

NO. 16-2469

2017-05-11 11:53 AM  
Circuit Court of Cook County  
Case No. 16-2469

**IN THE ILLINOIS APPELLATE COURT  
FIRST JUDICIAL DISTRICT**

ESTATE OF SCOTT G. HUDSON, )  
Deceased, By MATTHEW CARUSO, )  
its SUCCESSOR ADMINISTRATOR )  
and KYLE HUDSON, )

Plaintiffs-Appellants, )

vs. )

DOUGLAS C. TIBBLE and )  
BROOKS, ADAMS & TARULIS, )

Defendants-Appellees )

Circuit Court No. 15 L 12518

Trial Judge:  
Honorable William Gomolinski

Appeal from the Circuit Court of Cook County, Law Division  
The Honorable William Gomolinski Presiding

**BRIEF OF PLAINTIFFS-APPELLANTS  
ESTATE OF SCOTT G. HUDSON, DECEASED,  
BY MATTHEW CARUSO, ITS SUCCESSOR  
ADMINISTRATOR  
AND APPENDIX TO BRIEF**

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## NATURE OF THE CASE

The Estate of Scott G. Hudson, Deceased, by Matthew Caruso, its Successor Administrator (“Estate”) appeals the decision of the Circuit Court granting summary judgment on its complaint for legal malpractice in favor of defendants Douglas C. Tibble and his firm Brooks, Adams & Tarulis (“Defendants”). R. V. 2, C.311. Defendants were Estate’s former counsel, and Estate alleged that they were both negligent in their handling of the Estate’s affairs and conflicted through their representation personally of the former administrator Alma Leticia Hudson (“Letty”) and of Chicago Mini Bus Travel, Inc. (“Bus Company”), the main disputed asset of the Estate. R. V. 1, C.170-77, 194.

Defendants moved for summary judgment, arguing that that as a matter of law they owed no duty to the Estate, only to Letty, the former administrator who retained them. R. V. 1, C.41-43. Estate disputed that argument, contending that under the law of Illinois the attorney for an estate owes a duty of care to the estate, and that Defendants could be sued by the current administrator for their malpractice. R. V. 1, C.156-60. The Circuit Court credited Defendant’s argument, and granted summary judgment on May 27, 2016. R. V. 1, C.169.

On June 27, 2016, Estate filed a motion for reconsideration of the Circuit Court’s summary judgment. R. V. 2, C.290-301. After full briefing and argument, the Circuit Court denied the motion to reconsider on August 30,

2016. R. V. 2, C.309-10; R. Tr.1-8. Estate filed its notice of appeal on September 20, 2016. R. V. 2, C.311-12.

### **JURISDICTIONAL STATEMENT**

On May 27, 2016, the Circuit Court entered summary judgment in favor of Defendants. R. V. 1, C.169. On August 30, 2016, the Circuit Court denied Plaintiffs' motion to reconsider summary judgment in favor of Defendants. R. V. 2, C.309-10. The Notice of Appeal was filed on September 20, 2016. R. V. 2, C.311-12. Rule 303 confers jurisdiction over this appeal.

### **ISSUES PRESENTED FOR REVIEW**

Did the Circuit Court err when it concluded that Defendants could not be sued for legal malpractice because they owed no duty to Estate?

### **STATEMENT OF FACTS**

#### **A. The Estate Of Scott G. Hudson**

Decedent Scott G. Hudson ("Scott") was a successful businessman whose business activities included owning Bus Company. Letty was his wife. Kyle Hudson ("Kyle") was his son from a prior marriage. R. V. 1, C.44-45.

Scott Hudson died intestate on February 17, 2005. *Id.* A probate case was opened in the Circuit Court for the 18<sup>th</sup> Judicial Circuit in DuPage County. R. V. 1, C.35, 53. Letty, as Scott's widow, and Kyle, as Scott's son, were the only heirs. R. V. 1, C.44-45

Letty was appointed administrator of the Estate on February 28, 2005. R. V. 1, C. 53. She, in turn, retained Defendants as counsel, and they appeared in the probate action in May 2005. R. V. 1, C. 90, 96.

A fundamental issue confronting the Estate was whether Bus Company belonged to the Estate or to Letty personally. R. V. 1, C.58, 104-06. This was an issue of enormous importance as Bus Company was a valuable business. If it belonged solely to Letty, she would own the company outright. If the Bus Company was an asset of the Estate, then the asset would be split 50/50 between Kyle and Letty. R. V. 1, C.36-37, 84.

Letty as administrator and Defendants took the position in the probate case that Bus Company belonged to Letty, and was not an asset of the Estate. R. V. 1, C.104-06. Kyle, in turn, intervened in the probate case and challenged this determination, as well as certain other aspects of the handling of the Estate. R. V. 1, C.54-81. Throughout the probate case, Defendants identified themselves as attorneys for the Estate. R. V. 2, C.253, 285. They also asserted an attorneys' lien against the assets of the Estate. R. V. 1, C.111, 134-35.

On July 26, 2007, after questions were raised in the probate case regarding Letty's propriety, qualifications, and actions as administrator, she agreed to resign as administrator and Plaintiff Matthew Caruso, Esq. was appointed as successor administrator. R. V. 1, C.109.

Letty's resignation as administrator was not the end of Defendants' involvement in the probate case. After Letty resigned, Defendants continued

to represent her personally for approximately a year, until they withdrew by Order of Court on July 21, 2008. R. V. 1, C.111. Defendants also drafted documents stating that they represented Bus Company in the matter. R. V. 1, C.111, 196. The probate case was eventually resolved in early 2009, and Letty stipulated that Bus Company was an asset of the Estate. R. V. 1, C.37, 136.

**B. The Proceedings In The Circuit Court.**

On May 28, 2009, Plaintiffs commenced this action, alleging Defendants committed legal malpractice both by mismanaging the Estate and by placing themselves in a conflict of interest with the Estate. This conflict arose because, in addition to representing Letty, an heir, in her individual capacity; Defendants also represented the Estate itself. R. V. 1, C.83-85. Defendants exacerbated this conflict by also representing Bus Company, which was a disputed asset of the Estate. R. V. 1, C.111. As damages Plaintiffs sought reimbursement for 1) assets of the Estate that had been dissipated by Defendants' conduct, 2) taxes that were unnecessarily incurred, and 3) fees the Estate incurred in response to Defendants' negligence. R. V. 1, C.83-85.

Defendants later filed their Answer to Plaintiffs' Amended Complaint in which they admitted that they owed a duty of care to the Estate. R. V. 1, C.172 ("Defendants admit that they owed the Estate a duty of care arising from the attorney-client relationship....").

On March 14, 2016, Defendants presented to the Circuit Court their Motion for Summary Judgment and Memorandum in Support. R. V. 1, C.34.



In their motion Defendants focused solely on the issue of duty, contending that they did not owe a duty of care to the Estate, but only to Letty, who was the person who retained them. R. V. 1, C.38-39. Nor did it change the analysis that Michael Caruso, the successor administrator of the Estate, was prosecuting the claim; in Defendants' words they owed a duty only to the "Letty Administration," and not to the "Caruso Administration." R. V. 1, C.41-42. Estate responded by pointing to numerous Illinois cases noting that attorneys retained to administer an estate owe a duty to the Estate. R. V. 1, C.157-60. *See, e.g., Gagliardo v. Caffrey*, 344 Ill. App. 3d 219, 229 (1st Dist. 2003); *Jewish Hospital v. Boatmen's Nat'l Bank*, 261 Ill. App. 3d 750, 763 (5th Dist. 1994).

The Circuit Court granted Defendants' motion, concluding that they owed no duty to the Estate. R. V. 1, C.169. The Estate moved for reconsideration, which was denied on August 30, 2016. R. V. 2, C.309-10; R. Tr.1-8.

### **STANDARD OF REVIEW**

This matter is before the Court after the Circuit Court granted summary judgment to Defendants under 735 ILCS 5/2-1005(c). This Court reviews *de novo* the Circuit Court's decision granting summary judgment. *Seymour v. Collins*, 2015 IL 118432 at ¶49.

In addition, whether a duty exists in a claim for legal malpractice is a question of law. *Jewish Hosp.*, 261 Ill. App. 3d at 759; *Marshall v. Burger King Corp.*, 222 Ill. 2d 422, 430 (2006). The Court exercises *de novo* review over

legal issues. *Midstate Siding & Windows Co. v. Rogers*, 204 Ill. 2d 314, 319 (2003).

## ARGUMENT

### **I. The Circuit Court Erred When It Granted Summary Judgment To Defendants.**

#### **A. The Standard For Granting Summary Judgment.**

The Circuit Court granted summary judgment against Estate and in favor of Defendants. Summary judgment is a “drastic” measure that can be granted only if the movant “show[s] that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” 735 ILCS 5/2-1005(c). As the Supreme Court has noted, summary judgment is appropriate only when “the right of the moving party is clear and free from doubt.” *Loyola Academy v. S & S Roof Maintenance, Inc.*, 146 Ill. 2d 263, 271 (1992). Moreover, the evidence must be construed in Estate’s favor.

In determining whether the moving party is entitled to summary judgment, the court must construe the pleadings, depositions and affidavits strictly against the movant and liberally in favor of the opponent. . . The court may draw inferences from the undisputed facts. However, where reasonable persons could draw divergent inferences from the undisputed facts, the issue should be decided by the trier of fact and the motion should be denied.

*Id.* at 271-72 (internal citations and quotes omitted). “[I]f the facts permit more than one conclusion or inference, including one unfavorable to the moving party, a summary judgment should be denied.” *Bellerive v. Hilton Hotels Corp.*, 245 Ill. App. 3d 933, 936 (2d Dist. 1993).

## **B. Defendants Owed A Duty Of Care To The Estate.**

The elements of a legal malpractice claim are a duty on the part of the defendant, a breach of that duty, and injuries resulting from the breach. *Kramer v. Dirksen*, 296 Ill. App. 3d 819, 821 (1<sup>st</sup> Dist. 1998). When seeking summary judgment, Defendants did not dispute that their conduct caused damage to the Estate. Instead, they argued that they were not liable since they owed no duty to the Plaintiffs.

In taking this position, Defendants argue in the face both of the case law and of their own pleadings in the Circuit Court. In the Circuit Court, Defendants admitted in their answer that they owed a duty of care to the Estate. R. V. 1, C.172. In addition, numerous cases have held that the lawyer for an estate, like Defendants, owes a duty to the estate. *People v. Franklin*, 75 Ill. 2d 173, 177 (1979) (an attorney retained by an administrator has “a duty to maximize the assets of the estate.”); *Gagliardo*, 344 Ill. App. 2d at 229 (the “attorney for the estate . . . owed a fiduciary duty to the estate.”); *Matter of Vail v. First of America Trust Company*, 309 Ill. App. 3d 435, 441 (4th Dist. 1999) (the estate’s attorney’s allegiance is to the estate.); *Jewish Hosp.*, 261 Ill. App. 3d at 763 (same); *In re Estate of Kirk*, 292 Ill. App. 3d 914, 921 (2d Dist. 1997) (Defendant’s “duty as the attorney of the executor was to protect the estate.”). The lawyer does not owe a duty to the administrator or representative in an individual capacity, unless the lawyer chooses to take on that responsibility. *Rutkoski v. Hollis*, 235 Ill. App. 3d 744, 751 (4<sup>th</sup> Dist. 1992).

To conclude that a lawyer for an estate owes a duty to the estate makes sense. The administrator is tasked by the court to maximize the assets of an estate and to distribute the proceeds to the beneficiary. *Franklin*, 75 Ill. 2d at 177. In playing that role, the administrator is liable to the estate for breaches of its duties. *First of America Trust Co. v. First Illini Bancorp, Inc.*, 289 Ill. App. 3d 276, 282 (3d Dist. 1997). The lawyer who assists the administrator in this official duty is retained precisely for his or her expertise in completing these tasks, and is paid from estate assets. 755 ILCS 5/27-2, 5/28-8(g). Accordingly, the lawyer should have similar liability for negligent conduct that damages the estate.

At common law, four factors are examined when deciding whether a duty in negligence is present: the foreseeability of the possible harm, the likelihood of injury, the magnitude of guarding against the harm, and the consequences of placing the burden upon the defendant. *Barnes v. Washington*, 56 Ill. 2d 22, 29 (1973). All of these factors counsel in favor of existence of a duty from the lawyer to the estate. It is entirely foreseeable that harm could befall the estate if the lawyer is negligent. Indeed, because the lawyer is tasked with helping to administer the estate, if his or her conduct causes harm, that harm will necessarily fall on the estate and its assets. A duty of care to an estate would not place an especially great burden on a lawyer. In all engagements, a lawyer is obligated to provide reasonable advice and counsel, to act honestly and diligently, and to avoid conflicts of interest. *See generally*

Ill. R. Prof. Conduct 1.1, 1.3, 1.7, 1.8, 4.1. There is nothing about having an estate as a client that makes these everyday duties any more difficult to fulfill, or that should insulate a lawyer from liability if the lawyer fails to meet these standards. Moreover, an estate is administered through a court proceeding, and an estate must rely upon its attorney to navigate that process. This reliance on the attorney makes it imperative that the estate have an ability to seek redress from the lawyer when the lawyer's conduct falls short.

In addition, finding a duty of care in negligence is particularly appropriate here, as the successor administrator, Matthew Caruso, is the person bringing this suit against Defendants. A successor administrator may bring a legal malpractice claim against the former attorneys for an estate, even if they were retained by the prior administrator. *Bookman v. Davidson*, 136 So.3d 1276 (Fla. App. 2014).

*Bookman* presents a similar situation to this case. There, the administrator of an estate retained counsel, Davidson, who was paid from the estate. Subsequently, the administrator resigned, and Davidson was replaced as the estate's counsel. The successor administrator, Bookman, filed suit against Davidson for malpractice, contending, among other things, that assets had been improperly transferred from the estate. Davidson sought dismissal, arguing that Bookman, the successor administrator, did not retain him, and therefore could not bring a claim for legal malpractice. The trial court agreed with this argument, and dismissed the case. *Id.* at 1278-79.

The Florida court of appeal reversed. In reaching this decision, the court looked at the practicalities of the relationship between the current administrator and the former lawyers. There was no doubt that the former administrator could have sued the lawyers for malpractice that damaged the estate. Indeed, bringing suit on behalf of the estate is one of the duties of an administrator. Moreover, as the successor, Bookman took on the same duties as the former administrator and for all practical purposes stepped into her shoes. This included the right to sue lawyers for malpractice affecting the estate. The court concluded: "Appellant, as successor personal representative, has every right and duty under the Florida Probate Code to pursue legal action for malpractice against appellee on behalf of the estate." *Id.* at 1279-80.

The same reasoning holds in this case. Letty retained Defendants in her role as administrator, and it is beyond dispute that on behalf of the Estate she could have sued them for malpractice if they damaged the Estate. *See Wells v. Enloe*, 282 Ill. App. 3d 586 (5<sup>th</sup> Dist. 1996) (legal malpractice claim filed by estate of deceased person against its former counsel). As successor to Letty, Mr. Caruso fulfills the same role, and has the same duties, including the duty to bring claims on behalf of the Estate. *See* 755 ILCS 5/9-2, 5/14-1, 5/28-8. Accordingly, Mr. Caruso should have the same ability to bring a legal malpractice claim as Letty did.

Indeed, if Mr. Caruso were not able to bring this claim against Defendants, the effect would be that the claim could never be brought.

Although Letty hired Defendants, she would not be able to vindicate the harm they caused to the Estate, as she is no longer administrator, and has no authority to act on behalf of the Estate. 755 ILCS 5/9-2. Mr. Caruso is the current administrator, and he can represent the Estate. He did not, however, hire Defendants, and therefore (if Defendants are to be believed) cannot sue them for legal malpractice, even malpractice that harmed the Estate. The result would be that these claims would fall into a netherworld, where the proper plaintiff has no right to sue, and the person with the right to sue is not a proper plaintiff. This situation flies in the face of the fundamental principle that legal wrongs have legal remedies. See Ill. Const. Art. I, § 12 (“Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, freely, completely, and promptly”); *Smith v. Mercy Hospital & Med. Ctr.*, 203 Ill. App. 3d 465, 473 (1<sup>st</sup> Dist. 1990). It frustrates the fundamental purpose of probate proceedings to collect all assets of the estate, for the benefit of creditors and beneficiaries. Moreover, it creates moral hazard, with the attorney for an estate recognizing that once the administrator resigns, the attorney would be free of potential malpractice liability.

### **C. The Arguments For Denying Plaintiffs’ Their Day In Court Do Not Stand Up To Scrutiny.**

Before the Circuit Court, Defendants’ raised a number of arguments against finding a duty of care. These arguments do not stand up to scrutiny.

*First*, Defendants argued that the opinions of the Supreme Court and nearly every District of the Appellate Court that a lawyer for an estate owed a duty to an Estate did not mean what they said, but were mere “sound bites.” R. V. 1, C.41. This argument ignores the weight of authority that exists. *Gagliardo*, 344 Ill. App. 2d at 229 (the “attorney for the estate . . . owed a fiduciary duty to the estate.”); *Matter of Vail*, 309 Ill. App. 3d at 441 (the Estate’s attorney’s allegiance is to the estate.); *Jewish Hosp.*, 261 Ill. App. 3d at 763 (same). It also disregards the fact that a lawyer for an estate is obligated to protect the estate. *In re Estate of Kirk*, 292 Ill. App. 3d at 921 (Defendant’s “duty as the attorney of the executor was to protect the estate.”). If the language Estate cites is a sound bite, it is one that accurately reflects the law.

Defendants also argue that they owed no duty to the Estate because the Estate is nothing more than “an intangible legal fiction incapable of acting [and] . . . being ‘the client.’” R. V. 1, C.41. As an initial matter, something being “an intangible legal fiction” does not prohibit it suing for legal malpractice; both a corporation and an Estate are intangible, fictional, legal persons, *Brush v. Gilsdorf*, 335 Ill. App. 3d 356, 362 (3d Dist. 2002), and it is beyond dispute that a corporation has the ability to be the client and bring a suit for legal malpractice. *E.g.*, *Jackson Jordan, Inc. v. Leydig, Voit & Mayer*, 158 Ill. 2d 240 (1994). Similarly, Illinois courts routinely decide legal malpractice actions filed by bankruptcy trustees, who act as the legal successor of the President and Board of Directors of a corporation. *Grochocinski v. Mayer Brown*, 719 F.3d



785 (7th Cir. 2013). “It is axiomatic that the [bankruptcy] trustee has the right to bring any action in which the debtor has an interest.” *Koch Refining v. Farmers Union Central Exchange, Inc.*, 831F.2d 1339, 1348 (7th Cir.1987); see also *Aspling v. Ferrall*, 232 Ill. App. 3d 758 (2d Dist. 1992) (“We interpret *Koch Refining* to mean that the bankruptcy trustee, as the proper party to bring general claims of the bankruptcy estate.”).

Moreover, Mr. Caruso, as the court-appointed administrator of the Estate is prosecuting the claim on its behalf. Mr. Caruso is statutorily authorized to bring claims on behalf of the Estate, 755 ILCS 5/9-2, 5/14-1, 5/28-8, and is undoubtedly a proper person to do so. *Bookman*, 136 So.3d at 1279-80.

As a fallback position, Defendants argue that they cannot be liable to the Estate, as they were hired by Letty when she was administrator (the so-called “Letty Administration”), and not by her successor Matthew Caruso (of the “Caruso Administration”). According to Defendants, they only owed a duty to “the Letty Administration.” R. V. 1, C.41-42. This argument ignores the fact that, like a corporation or a governmental unit, an estate is a distinct legal entity that is viewed as a person under the law. *Brush*, 335 Ill. App. 3d at 362. Moreover, it ignores the fact that Letty and Caruso had the same duties – to administer the Estate – and the same obligations, including to bring claims for damage to the Estate. For this reason, Caruso has the same right to sue for malpractice to the Estate that Letty did.

Finally, Defendants argue that no duty should exist in this case because the dispute is fundamentally nothing more than a difference of opinion over whether Bus Company should be part of the Estate. Defendants assert that they represented Letty and took the position that Bus Company was not part of the Estate. Caruso took a different view (which prevailed). Defendants should not have committed malpractice to Estate, however, over a simple disagreement. R. V. 1, C.41-42.

There are several problems with this argument. First, this is not a case about a simple disagreement. As discussed above, counsel for an estate work with the administrator in his or her official capacity, not personally as a beneficiary. *Rutkoski*, 235 Ill. App. 3d at 751. This is the rule because conflict is inherent between an administrator, whose duty is to the estate, and a beneficiary, whose interest is in receiving a bequest. Defendants here chose to represent the Estate AND Letty personally, which created a conflict. If the Bus Company was an asset, Estate was better off. If Bus Company was not an Estate asset, Letty was better off. Exacerbating the problem, Defendants also represented Bus Company, the primary asset.

Illinois Rule of Professional Conduct 1.13(b) states:

If a lawyer for an organization knows that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a violation of a legal obligation to the organization, or a crime, fraud or other violation of law that reasonably might be imputed to the organization, and that is likely to result in substantial injury to the organization, then the

lawyer shall proceed as is reasonably necessary in the best interest of the organization.

In addition, Illinois Rule of Professional Conduct 1.13(g) states, "A lawyer representing an organization may also represent any of its directors, officers, employees, members, shareholders or other constituents, subject to the provisions of Rule 1.7." Rule 1.7 requires that an attorney withdraw from concurrent representation of two (2) separate clients when (1) the representation of one client will be directly adverse to another client; or (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer. Here, the Defendants represented two (2) organizational entities, the Estate and the Bus Company, in addition to Letty, in her personal capacity. Conflict here was inherent in the representation Defendants chose to undertake, and the Estate should be compensated for the damage Defendants caused.

But leaving aside that fact, Defendant's arguments are misplaced for another reason. The issue before the Court is one of duty: did the Circuit Court err when it found that Defendants owed no duty of care whatsoever to the Estate? Defendants, however, argue something else -- that they did nothing wrong, and this case is about nothing more than a reasonable difference of opinion. The Circuit Court credited this argument on reconsideration, concluding that there was no duty from Defendants to the Estate because at


bottom the case involved “a contested issue as to whether an asset belongs to an estate or it doesn’t.” R. Tr.6.

Defendants’ arguments do not relate to the issue the Circuit Court ruled upon -- whether they owed a duty of care to the Estate. Instead, the arguments go to the merits of the dispute, and they concern whether the duty of care was met. Stated differently, the issue of duty addresses whether Defendants had any obligation to the Estate, or whether the Estate is a mere bystander in Defendant’s engagement. This is an issue of law that can be decided by this Court. *Marshall*, 222 Ill. 2d at 430. Whether this case is merely about a difference of opinion relates to a subsequent question – whether Defendants breached the duty. This is a question of fact, and its resolution is reserved for the jury. *Id.*

### CONCLUSION

For the foregoing reasons, the decision of the Circuit Court should be reversed, and this case remanded for further proceedings.

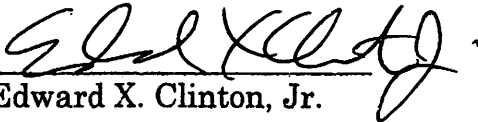
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**SUPREME COURT RULE 341 CERTIFICATION**

I certify that this brief conforms to the requirements of Rules 341(a) and (b). The length of this brief excluding the pages containing the Rule 341 (d) cover, the Rule 341 (h) statement of Points and Authorities, the Rule 341 (c) Certificate of Compliance, the Certificate of Service, and those matters to be appended to the brief under Rule 342 (a) is 16 pages.

  
Edward X. Clinton, Jr.

IN THE ILLINOIS APPELLATE COURT  
FIRST JUDICIAL DISTRICT

ESTATE OF SCOTT G. HUDSON, )  
Deceased, By MATTHEW CARUSO, )  
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Plaintiffs-Appellants, )

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DOUGLAS C. TIBBLE and )  
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Defendants-Appellees )

Circuit Court No. 15 L 12518

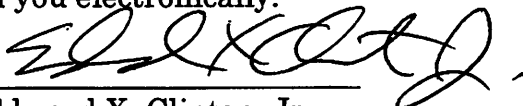
Trial Judge:  
Honorable William Gomolinski

Appeal from the Circuit Court of Cook County, Law Division  
The Honorable William Gomolinski Presiding

NOTICE OF FILING AND PROOF OF SERVICE

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PLEASE TAKE NOTICE that on this 5<sup>th</sup> day of May, 2017, I filed with  
the Clerk of the Appellate Court of Illinois, First Judicial District, **Plaintiff-  
Appellant's Brief**, which is being served upon you electronically.

  
Edward X. Clinton, Jr.

# APPENDIX

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NO. 16-2469

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IN THE ILLINOIS APPELLATE COURT  
FIRST JUDICIAL DISTRICT

---

ESTATE OF SCOTT G. HUDSON, )  
Deceased, By MATTHEW CARUSO, )  
its SUCCESSOR ADMINISTRATOR )  
and KYLE HUDSON, )

Plaintiffs-Appellants, )

vs. )

DOUGLAS C. TIBBLE and )  
BROOKS, ADAMS & TARULIS, )

Defendants-Appellees )

Circuit Court No. 15 L 12518

Trial Judge:  
Honorable William Gomolinski

---

Appeal from the Circuit Court of Cook County, Law Division  
The Honorable William Gomolinski Presiding

---

APPENDIX TO BRIEF

---

Edward X. Clinton, Jr.  
The Clinton Law Firm, LLC  
111 W. Washington Street, Suite 1437  
Chicago, IL 60602  
312.357.1515  
[edwardclinton@icloud.com](mailto:edwardclinton@icloud.com)  
*Counsel for Plaintiffs-Appellants*

ORAL ARGUMENT REQUESTED



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Hudson et al.

v.

TIBBLE et al.

*(Handwritten signature/initials)*

No. 15 L 12518

ORDER

THIS MATTER COMING BEFORE THE COURT ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, THE MOTION BEING FULLY BRIEFED AND THE COURT HAVING HEARD ORAL ARGUMENT FROM COUNSEL AND BEING FULLY ADVISED IN THE PREMISES; IT IS HEREBY ORDERED:

4022

① DEFENDANTS' MOTION FOR SUMMARY JUDGMENT IS GRANTED AND JUDGMENT IS HEREBY ENTERED IN FAVOR OF DOUGLAS TIBBLE AND BROOKS, ADAMS & TARNUS AND AGAINST THE ESTATE OF SCOTT G. HUDSON AND AGAINST KYLE HUDSON. 4280

② BY AGREEMENT, EACH PARTY TO BEAR THEIR OWN STATUTORY COSTS

③ TRIAL DATE OF SEPTEMBER 19, 2016 IS STRICKEN 4304

Atty. No.: 37,99

Name: M. Corsi *KOWICK & DWON*

Atty. for: DEFENDANTS

Address: 21 W. STATE ST

City/State/Zip: GENEVA IL 60134

Telephone: 630-262-9655

ENTERED: Jud. William E. Jomolinski  
MAY 27 2015  
Dated: Circuit Clerk 3373  
*(Handwritten signature)*  
Judge Judge's No.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

A-1

000100

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

#51

Coruso

v.

Tibble

No.

15 L 12518

ORDER

This cause coming to be heard on the motion of the Estate of Hudson by its Successor Administrator Reconsideration of Summary Judgment It is hereby ordered that:

① Plaintiff's Motion is Denied.

5285  
5/27

Attorney No.: 35893  
Name: Clinton  
Atty. for: Plaintiff Coruso  
Address: 111 West Washington  
City/State/Zip: Chicago IL 60602  
Telephone: 312-357-1515

Judge William E. Gomolinski

AUG 30 2016

ENTERED:

Circuit Court-1973

Dated:

Judge

Judge's No.

3374

AAP  
A.W.W.

#35893

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

FILED-12  
2016 NOV -2 PM 3:11  
CLINTON LAW FIRM, P.C.  
DEPARTMENT OF CLERK OF COURT

Estate of Scott G. Hudson,  
deceased, by Matthew Caruso,  
its Successor Administrator,  
and Kyle Hudson,

Plaintiffs,

vs.

Douglas C. Tibble and Brooks,  
Adams & Tarulis,

Defendants.

No. 15 L 12518

Report of proceedings had at the motion in  
the above-entitled cause before the HONORABLE WILLIAM E.  
GOMOLINSKI, Judge of said Court, commencing at  
11:00 a.m. on the 30th day of August, A.D., 2016.

APPEARANCES:

THE CLINTON LAW FIRM, by  
MR. EDWARD CLINTON, JR.  
On behalf of the Plaintiffs;

KONICEK & DILLON, P.C., by  
MR. MICHAEL CORSI  
On behalf of the Defendants.

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1 MR. CLINTON, JR.: Good morning, your Honor.  
 2 Ed Clinton for plaintiff.  
 3 MR. CORSI: Good morning, your Honor. Michael  
 4 Corsi for the defendants.  
 5 THE COURT: All right. This comes before me on  
 6 your motion to reconsider.  
 7 MR. CLINTON, JR.: I just have a couple of  
 8 comments, your Honor, because I think it's been briefed  
 9 very well. The reason for the motion is I think from my  
 10 perspective as the second lawyer on this case is to  
 11 clarify a little bit the duty issue because there were  
 12 two issues in the motion for summary judgment. Is there  
 13 a duty to the beneficiary where there's an adversarial  
 14 relationship? No question about it. And is there a  
 15 duty to the estate itself? I had removed the issue of  
 16 the beneficiary from this motion because I want to  
 17 address that issue. That's the question. I think it  
 18 may be in Illinois a question of first impression. That  
 19 may -- It may well be based on what I can see from the  
 20 cases. So I think that that -- the way perhaps the  
 21 complaint was put together may possibly have created a  
 22 confused hybrid approach that may not have perhaps  
 23 served the plaintiff well. The party that's damaged  
 24 that suffers here is the estate. Because the estate is

1 depending upon -- See, because when the administrator  
 2 hires you --  
 3 MR. CLINTON, JR.: True.  
 4 THE COURT: -- the administrator is representing  
 5 the estate. The estate is what has the money. So where  
 6 does the duty go? That's the real question, correct?  
 7 MR. CLINTON, JR.: Right. That is the question.  
 8 THE COURT: Because the issue is is that we had an  
 9 estate, we have the administrator who is the person, and  
 10 then we have this contested company, this bus company.  
 11 And you say certain things in here, but you didn't give  
 12 me the transcript from the last hearing, the entire  
 13 transcript.  
 14 MR. CLINTON, JR.: There is no transcript from the  
 15 last hearing because we didn't have a reporter. So  
 16 there is no transcript so --  
 17 THE COURT: Because I don't believe I held exactly  
 18 the way that you phrase it in your motion.  
 19 MR. CLINTON, JR.: Understood. I understand that.  
 20 THE COURT: I think I said that the lawyer  
 21 represented the administrator and that it couldn't --  
 22 you couldn't purely represent the estate without the  
 23 administrator because the client is the administrator.  
 24 Because the lawyer has to seek direction and control

1 the one that either owns this bus company or it doesn't.  
 2 THE COURT: Or it doesn't.  
 3 MR. CLINTON, JR.: Right. Simple as that. So the  
 4 estate suffered. And I think -- And, again, I'm coming  
 5 to this with hindsight. I want you to know I don't  
 6 normally move to reconsider in every case. You know, I  
 7 understand you made a ruling. But that's the key issue.  
 8 I think there is a duty -- and I've set that out in the  
 9 brief -- to the estate. And I think the successor  
 10 administrator can raise that. And I want to go through  
 11 just a couple of points, I think just a couple of  
 12 things.  
 13 As you can see from Mr. Tibble's engagement  
 14 letter, he knows he owes a duty. He understands the  
 15 difference between an individual and a corporation.  
 16 There's a duty to the entity. He filed an appearance  
 17 for the administrator. He doesn't file an appearance  
 18 for personal -- personally. He seeks fees from the  
 19 estate. Generally speaking, if you seek fees, you've  
 20 got a duty. That's sort of the way it works in this  
 21 state. They concede a duty in the answer.  
 22 THE COURT: But you can seek fees as an attorney  
 23 statutorily. You can seek fees based upon a sanction.  
 24 You can seek fees based upon just quantum meruit

1 from somebody. And that person has to be the  
 2 administrator. I understand your concept. But I don't  
 3 know how we practically put that into motion without  
 4 having a client who is the administrator.  
 5 MR. CLINTON, JR.: The lawyer has a duty to -- This  
 6 lawyer had -- He was basically on two sides. He also  
 7 represented her personally. You know, if you look --  
 8 look at the summary judgment papers --  
 9 THE COURT: When we talk about the bus company.  
 10 MR. CLINTON, JR.: And he represented her too. He  
 11 had everybody involved. So you have a duty to resign.  
 12 That's how the rule is, Rule 1.13 creates a duty to  
 13 resign, a duty to withdraw.  
 14 THE COURT: But as we went through it -- And I do  
 15 wish we had a court reporter at the last hearing  
 16 because --  
 17 MR. CLINTON, JR.: I agree.  
 18 THE COURT: With all due respect, here is the  
 19 problem is that frequently we don't have a court  
 20 reporter at the original hearing where we have fully  
 21 briefed this. And I ask a million questions during the  
 22 argument, which I did last time.  
 23 MR. CLINTON, JR.: You did. No question about it.  
 24 THE COURT: And when you do those things, I try an

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1 extract from you different answers based upon the  
2 questions that I asked that are germane to the issues.  
3 And we lost all of that. And so we come here on this  
4 date today on a motion to reconsider and we don't have  
5 the benefit of that transcript from the very beginning.  
6 And all I have is my memory. Which after 1500 cases,  
7 it's more fresh in your mind -- it's your case -- than  
8 it is --

9 MR. CLINTON, JR.: Fully understand.

10 THE COURT: -- mine. So I'm at a disadvantage.  
11 And I don't think that it is -- I know the briefs are  
12 well taken on both sides. And I know the reasons that I  
13 gave the first time. But I'm certainly not as  
14 articulate as I was upon the first hearing. And so I'm  
15 not sure that your motion to reconsider even raises any  
16 new facts or mistakes in the law so to speak. But I  
17 think it is a question of first impression also. And I  
18 think I said that in the first hearing. Go ahead. I  
19 didn't mean to interrupt you.

20 MR. CLINTON, JR.: No. You're entitled. And I  
21 appreciate that. I think I've made my points. I wasn't  
22 here to harangue you. I'm just here to clarify the  
23 issue.

24 MR. CORSI: Our response took the form, first of

1 all, of a motion to strike for exactly the reasons that  
2 your Honor just articulated. In the absence of a  
3 transcript, there are procedures for that, to submit a  
4 bystander's report. The parties can disagree. I just  
5 went through this process with Judge Martin who was in  
6 the Chancery Division. Had to go out to 26th and  
7 California, because he is now the Chief Judge of the  
8 Criminal Division, to present competing bystander's  
9 reports. And not surprisingly, he was unable to recall  
10 what happened a year ago. It's the nature of the  
11 parties. It's the nature of the Court. There's a lot  
12 going on. So to sit here now and say that this Court  
13 erroneously applied the law, how? Based on what? Based  
14 on what occurred? But I think your Honor definitely is  
15 right.

16 THE COURT: Well, of course you do.

17 MR. CORSI: Because you also granted my motion as  
18 well. But to the point of -- Lawyers don't operate of  
19 their own volition. At least they shouldn't. I don't  
20 think that's been the practice for a long, long time.  
21 They operate at the direction of their clients. And a  
22 probate estate is simply not analogous to a corporation  
23 or a bankruptcy estate. It just isn't. Because it's an  
24 in rem proceeding. We are not here today to talk about

1 a non-adversarial probate estate where the attorney and  
2 the administrator are not challenged in any of the  
3 decisions that they are making and, whoops, makes a  
4 mistake that affects the beneficiaries to the estate by  
5 diminishing the estate. That isn't the case we're here  
6 to talk about at all.

7 THE COURT: Which is a significant difference.  
8 When we talk about the duty of a lawyer and how that  
9 duty can be imposed upon that lawyer and the differences  
10 lie therein. It's intricate. Because in that scenario,  
11 the lawyer certainly has a duty if it made a mistake  
12 that diminishes the estate to the fiduciary. On the  
13 other hand, when you have a contested estate where there  
14 are two competing people vying for -- to say whether the  
15 bus company is an asset or it's not an asset in every  
16 single transaction that they do, it's impossible for  
17 that attorney to have a dual duty and serve two people.  
18 And so what you've suggested is that that's when that  
19 person must withdraw.

20 MR. CLINTON, JR.: Correct.

21 THE COURT: And so -- And I find that overly broad  
22 and impractical because it would require in every  
23 contested estate for that attorney then to say, Well,  
24 wait a minute, I owe these people on the other side who

1 are fighting the administrator that hired me an equal  
2 duty to the person who hired me. And I don't believe  
3 that is ever represented or is meant to take place in  
4 these contested hearings.

5 MR. CLINTON, JR.: Slight -- To interrupt  
6 counsel -- I apologize -- slightly different here  
7 because the general lay of the land is the lawyer had to  
8 gather up -- when you get involved in the estate, you've  
9 got to bring all the things into the party. You push it  
10 all into the hopper, so to speak, just as a bankruptcy  
11 trustee sometimes has to go out and sue a creditor or do  
12 whatever. So anything that deviates from that general  
13 idea, Hey, the farm isn't owned by the estate, the  
14 business isn't owned by the estate, that puts a duty on  
15 that lawyer. The higher duty is to the estate. And  
16 here the lawyer was in a bad situation because he had  
17 other clients too. So he was in a conflicting  
18 situation. And that's -- You know, so I think here I  
19 think I meet your test. I know you don't agree. But I  
20 think I meet the test because of the conflict --

21 THE COURT: But I understand --

22 MR. CLINTON, JR.: -- because he is representing  
23 all of those people.

24 THE COURT: And I do understand your version of it

1 I do. It's --  
 2 MR. CLINTON, JR.: Right.  
 3 THE COURT: It's something that's ripe for appeal.  
 4 I didn't mean to interrupt you. Go ahead.  
 5 Finish.  
 6 MR. CORSI: Well, I think to counsel's suggestion  
 7 here, it's not the attorney that is responsible for  
 8 gathering up the assets, regardless of whether it's  
 9 adversarial or not. It's the administrator. And if the  
 10 administrator is not doing their job, there are  
 11 procedures in the probate litigation to deal with that.  
 12 But it's the attorney's job to advise the administrator,  
 13 to tell her what her fiduciary duties are to the estate.  
 14 And whether she does them or not is not the attorney's  
 15 control. But if she disagrees, counsel is suggesting  
 16 withdrawal. Well, then how does the case proceed?  
 17 THE COURT: So my question to you is simply this.  
 18 The attorney is hired as the administrator -- or I'm  
 19 sorry --  
 20 MR. CORSI: I get it.  
 21 THE COURT: -- is hired by the administrator to  
 22 provide legal advice to the administrator. The  
 23 administrator, pursuant to the Probate Act, is empowered  
 24 as the administrator to collect the assets. It would

1 appear to me that your argument is that if the attorney  
 2 feels that what the administrator is -- may not be doing  
 3 an adequate job, that attorney would then under your  
 4 version of how this would work would then call up all  
 5 the other beneficiaries and say, Wait a minute --  
 6 because you're suggesting he owes an equal or higher  
 7 duty to the estate. And if that attorney owes an equal  
 8 or higher duty to the estate, does he have an equal --  
 9 or she have an equal or higher duty to call up the  
 10 beneficiaries and say, Wait a minute, you know, this is  
 11 wrong. Then you'd be -- you couldn't serve two masters  
 12 and under your theory that's when you withdraw.  
 13 MR. CLINTON, JR.: I see that. I don't quite agree  
 14 with that because you have a -- once you're involved  
 15 with the estate, you have a duty -- you've got -- you  
 16 have a duty of confidentiality. I think the lawyer has  
 17 to give advice to her. And the advice to her was, You  
 18 can't be the administrator and be fighting about the bus  
 19 company. I think it's pretty simple advice to be given.  
 20 And I think you have a duty to withdraw. I don't think  
 21 you'd call up all the other beneficiaries and say, We  
 22 should -- let's all -- Because I don't think that's  
 23 Illinois law. I think that's clear on those other cases  
 24 that we've cited --

1 THE COURT: It is.  
 2 MR. CLINTON, JR.: -- and discussed the last time.  
 3 THE COURT: But you talk about an equal or higher  
 4 duty to the estate.  
 5 MR. CLINTON, JR.: Got to be a higher duty to the  
 6 organization. Same thing if the president of the  
 7 corporation is stealing or doing something bad, tells  
 8 the lawyer to take a position, the lawyer -- You know, a  
 9 corporation, I agree, is simpler and it's more  
 10 well-settled and the case law is clearer. He has a duty  
 11 to take it up with the Board of Directors. I agree here  
 12 in an administrator situation, we don't have a Board of  
 13 Directors. We have a problem. But it's the fiduciary  
 14 stealing, you know, from a corporation. You've got to  
 15 take it up. And I've lived in a big firm and -- early  
 16 in my career. And for the most part, when those things  
 17 happened, they did the right thing.  
 18 THE COURT: But you equate a stealing, which is  
 19 significantly different, as to whether there is a  
 20 contested issue as to whether an asset belongs to an  
 21 estate or it doesn't. And if it was as clear as  
 22 stealing, I would see your obligation as an attorney to  
 23 potentially bow out or say, I'm not going to be part of  
 24 that. But if that's a contested issue, I still owe my

1 fiduciary duty to that administrator who hires me and  
 2 not to what you call the organization which in this case  
 3 is not an organization but is an estate. It's in rem.  
 4 It's property. And I owe nothing potentially to those  
 5 fiduciaries unless I cause that in rem estate loss. But  
 6 if there's this contested issue that is not frivolous  
 7 under at least Supreme Court Rule 137, that person would  
 8 never be able to get representation, meaning the  
 9 administrator.  
 10 MR. CLINTON, JR.: Sure they could. They could get  
 11 their own lawyer. They just have to have two lawyers.  
 12 THE COURT: But then -- So there's going to be --  
 13 So you want the administrator then to say, Well --  
 14 MR. CLINTON, JR.: Yeah. There is a conflict here.  
 15 They have to do it.  
 16 THE COURT: I hear you.  
 17 MR. CORSI: How does the attorney for the  
 18 administrator, even if there's assuming that there's a  
 19 separate attorney for the individual who happens to also  
 20 be the administrator, take any action in the actual  
 21 probate case? The second that a beneficiary challenges  
 22 what that administrator is doing, the attorney is then  
 23 supposed to stop and say, Well, I can't go any further  
 24 but you have this personal attorney so maybe talk with

A5

1 them. It doesn't work. It doesn't work at all. And  
2 your Honor is absolutely right. This isn't some  
3 discrete hidden thing where maybe the attorney has  
4 knowledge that the administrator is --

5 THE COURT: Or criminal in nature.

6 MR. CORSI: Well, even just hidden. The more  
7 important part is that it's hidden. Here we're talking  
8 about a bus company. Nobody hid a bus company.

9 THE COURT: And we're talking about -- Your example  
10 is theft comparative to whether an asset is included in  
11 the estate or not included in the estate. So we know  
12 the issues. I think the Appellate Court will know the  
13 issues. You have some record now on this motion to  
14 reconsider. As I said and I'll say it again, I wish we  
15 had it at the very beginning because we fully vetted  
16 those ideas and we discussed them in great detail. And  
17 the briefs are well-written. So motion is denied.

18 MR. CLINTON, JR.: I appreciate that, your Honor.  
19 Thank you.


20 MR. CORSI: Thank you.  
21 (Which were all the proceedings had  
22 in the above-entitled cause.)  
23  
24

1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF COOK )  
3

4 Liana Rivera, being first duly sworn, on oath  
5 says that she is a Certified Shorthand Reporter doing  
6 business in the City of Chicago, County of Cook and the  
7 State of Illinois;

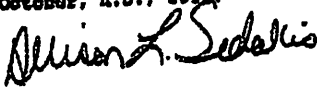
8 That she reported in shorthand the proceedings  
9 had at the foregoing motion;

10 And that the foregoing is a true and correct  
11 transcript of her shorthand notes so taken as aforesaid  
12 and contains all the proceedings had at the said motion.  
13

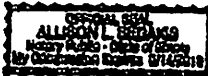
14   
15 LIANA RIVERA, CSR

16 CSR No. 084-004417

17 SUBSCRIBED AND SWORN TO  
18 before me this 19th day of  
19 October, A.D., 2015,

20   
21

22 NOTARY PUBLIC  
23  
24



A-6

APPEAL TO THE ILLINOIS APPELLATE COURT  
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

ESTATE OF SCOTT G. HUDSON, deceased, )  
And MATTHEW CARUSO, its Successor )  
Administrator, and KYLE HUDSON, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
DOUGLAS C. TIBBLE and BROOKS, ADAMS & )  
TARULIS, )  
 )  
Defendants. )

16-2469

Case No. 15 L 012518

Hon. Judge William J. Gomolinski

**NOTICE OF APPEAL**

Pursuant to Illinois Supreme Court Rule 303 and 307, Plaintiffs-Appellants, Estate of Scott G. Hudson, by and through its Successor Administrator, and Kyle Hudson, appeals from the (1) Order entered on May 27, 2016 granting Defendants' Motion for Summary Judgment (Exhibit A, attached) and (2) Order entered on August 30, 2016 denying Plaintiff's Motion for Reconsideration of the May 27, 2016 Order Granting Defendants Summary Judgment Motion (Exhibit B) attached. This appeal is timely filed on September 20, 2016.

Plaintiffs/Appellants respectfully request that this Court reverse the judgment and remand this case to the Circuit Court of Cook County and for such other and further relief as may be deemed just and appropriate.

/s/ Edward X. Clinton, Jr.  
One of Plaintiffs' Attorneys

Edward X. Clinton, Jr.  
The Clinton Law Firm, Atty No. 35893  
111 W Washington Street, Suite 1437  
Chicago, Illinois 60602  
Phone: 312.357.1515  
Edwardclinton@icloud.com

A7

09/20/16



CERTIFICATE OF SERVICE

I, Mary Winch, a non-attorney on oath certify that on September 20, 2016 I caused to be served one copy of the foregoing Notice Of Appeal upon the person listed below by electronic means and by enclosing a copy thereof by First Class Mail, Postage Prepaid in an envelope, addressed as shown below.

Daniel E. Konicek  
Michael J. Corsi  
Konicek & Dillon, P.C.  
21 W. State Street  
Geneva, IL 60134  
mcorsi@konicekdillonlaw.com

/s/ Mary Winch

ELECTRONICALLY FILED  
9/20/16 9:30 AM  
2015-L-012518  
PAGE 2 of 2

Order

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
LAW DIVISION  
CLERK DOROTHY BROWN

PAGE 1 OF 1

Caruso  
v.  
Triable

No. 15 L 012518

ORDER

This cause coming to be heard on  
objection of the Estate of Hudson  
by its Successor Administrator for  
Reconsolidation of Summary Judgment  
It is hereby ordered that  
① Plaintiff's Motion is denied.

Judge William E. Gomollinski

Attorney No.: 35893  
Name: Charles  
Atty. for: PL & SF Caruso  
Address: 1115 North Dearborn  
City/State/Zip: Chicago, IL 60602  
Telephone: 312-257-1515

ENTERED:

Circuit Court-1973

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge Judge's No.

ESTATE OF SCOTT G. HUDSON, DECEASED AND MATTHEW CARUSO, ITS SUCESSOR  
ADMINISTRATOR, AND KYLE HUDSON

v.

DOUGLAS C. TIBBLE AND BROOKS, ADAMS & TARULIS  
APPEAL NO. 16-2469

**RECORD ON APPEAL**

DOCKET NO.	DATE	DESCRIPTION
<b>VOLUME 1</b>		
C00001	08/30/2016	Placita-Appeals Transfer page
C00002-10A		Request to Renumber (2 copies)
C00011	12/11/2015	Order re removed from Bankruptcy
C00012	12/21/2015	Order striking Motion to Withdraw
C00013-15	12/22/2015	Boyton's Motion to Withdraw, Notice of Motion
C00016	01/12/2016	Order: Motion of Donald Johnson, Julie Boynton and John C. Dax to withdraw continued
C00017	01/14/2016	Case Management Order: Case Management Conference February 19, 2016 for presentation of Defendant's anticipated Summary Judgment motion
C00018	01/14/2016	Order: Motion of Donald Johnson, Julie Boynton and John C. Dax to withdraw granted
C00019-20	01/21/2016	Order setting matter for trial on September 19, 2016 (two copies)
C00021-22	01/25/2016	Notice of Stipulation to Dismiss Alma Leticia Hudson's Claims With Prejudice
C00023-24	01/25/2016	Stipulation to Dismiss Alma Leticia Hudson's Claims with Prejudice
C00025	02/01/2016	Order granting stipulation
C00026	02/19/2016	Case Management Order Status February 29, 2016
C00027	02/29/2016	Case Management Order Status March 14, 2016
C00028-111	02/29/2016	Notice of Filing, Defendants' Motion for Summary Judgment
C00112-113	04/15/2016	Motion To Extend the Briefing Schedule For Defendants' Motion For Summary Judgment
C00114	03/14/2016	Briefing Schedule Order
C00115-152	04/22/2016	Discovery Deposition of Matthew J. Caruso on August 31, 2012
C00153-167	04/22/2016	Plaintiffs' Response to Defendants' Motion For Summary Judgment
C00168	04/25/2016	Briefing Schedule Order
C00169	05/27/2016	Order Motion for Summary Judgment granted
C00170-214	06/27/2016	Defendants' Answer to Third Amended Complaint

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C00215-249	06/27/2016	Notice of Filing, Estate's Response in Opposition To Supplement and Amendment to Petition For Issuance of Citation to Recover Assets
C00250	11/14/2016	Certification page
<b>Volume 2</b>		
C00251	08/30/2016	Placita Appeals Page
C00252-289	06/27/2016	NOF, Estate's Reply in Support of Its Motion To Strike and Dismiss Petition and Stay Discovery
C00290-301	06/27/2016	Plaintiff Estate's Motion For Reconsideration of the Court's May 27, 2016 Order Granting Defendants Summary Judgment Motion
C00302	07/11/2016	Briefing Schedule Order
C00303-308	08/15/2016	Plaintiff Estate's Reply In Support of Its Motion For Reconsideration of the Court's May 27, 2016 Granting Defendants Summary Judgment Motion
C00309-310	08/30/2016	Order Denying Plaintiff's motion
C00311-312	09/20/2016	Notice of Appeal
C00313	11/07/2016	Request for Preparation of Record on Appeal
C00314	11/14/2016	Certification Page

ESTATE OF SCOTT G. HUDSON, DECEASED AND MATTHEW CARUSO, ITS SUCCESSOR  
ADMINISTRATOR, AND KYLE HUDSON

v.

DOUGLAS C. TIBBLE AND BROOKS, ADAMS & TARULIS  
APPEAL NO. 16-2469

**SUPPLEMENTAL RECORD ON APPEAL**

DOCKET NO.	DATE	DESCRIPTION
<b>VOLUME 1</b>		
C00001	08/30/2016	Placita-Appeals Transfer page
C00002	03/27/2017	Stipulation For Preparation of Supplemental Record )
C0003	11/02/2016	File Stamped Report of August 30, 2016 Proceedings before Judge Gomolinski
C0008	01/19/2017	Certification Page

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