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TRANSCRIBED FROM DIGITAL RECORDING

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

| | | |
|-------------------------------|---|---------------------|
| PARK RIDGE SPORTS, INC., an |) | |
| Illinois Not For Profit |) | |
| Corporation, |) | |
| |) | |
| Plaintiff, |) | Case No. 20 CV 2244 |
| |) | |
| -vs- |) | Chicago, Illinois |
| |) | October 27th, 2020 |
| PARK RIDGE TRAVEL FALCONS, an |) | 10:34 a.m. |
| Illinois Not For Profit |) | |
| Corporation, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

TRANSCRIPT OF PROCEEDINGS - Status Hearing
BEFORE THE HONORABLE JEFFREY COLE, MAGISTRATE JUDGE

APPEARANCES:

| | |
|--------------------|--|
| For the Plaintiff: | AHMAD, ZAVITSANOS, ANAIPAKOS, ALAVI & MENSING, P.C. BY: MR. JEFFREY NORBERG MR. ALEXANDER ROSS HERNANDEZ MR. JOSHUA HARRIS MR. MICHAEL ALEXANDER KILLINGSWORTH 1221 McKinney Street, Suite 2500 Houston, TX 77010 |
| | NEAL & MCDEVITT, LLC BY: MR. RICHARD B. BIAGI 1776 Ash Street Northfield, IL 60093 |

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|--------------|--|

1 APPEARANCES (CONT'D):

2 For the Defendants: MUCH SHELIST, P.C.
3 BY: MR. JAMES L. WIDEIKIS
4 MR. SHAWN M. STAPLES
5 191 North Wacker Drive
6 Suite 1800
7 Chicago, IL 60606

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1 (Proceedings heard via telephone:)

2 THE COURT: I'm sorry I'm late.

3 Could I ask you to state your name and who you
4 represent, please.

5 MR. HERNANDEZ: Good morning, Your Honor.

6 This is Alex Hernandez, joined by Michael Harris --
7 excuse me -- Josh Harris and Michael Killingsworth on behalf
8 of the plaintiff, Park Ridge Sports Incorporated.

9 THE COURT: Good morning. Thank you.

10 MR. NORBERG: Good morning, Your Honor.

11 This is Jeffrey Norberg on behalf of the plaintiff,
12 Park Ridge Sports Incorporated.

13 THE COURT: Okay. Thank you, Mr. Norberg.

14 MR. BIAGI: Good morning, Your Honor.

15 Richard Biagi, also on behalf of Plaintiff Park Ridge
16 Sports, Inc.

17 THE COURT: Okay. Thank you.

18 MR. WIDEIKIS: Good morning, Judge.

19 This is Jim Wideikis on behalf of Park Ridge Travel
20 Falcons and the individual defendants named.

21 THE COURT: Good morning.

22 MR. STAPLES: Good morning, Your Honor.

23 This is Shawn Staples, also for Defendant Park Ridge
24 Travel Falcons and the individual defendants.

25 THE COURT: All right. Anybody else?

1 Okay. Well, thank you all.

2 Where are we, folks?

3 The motion for a TRO is denied, correct?

4 MR. HERNANDEZ: Correct.

5 THE COURT: Okay. And our cutoff for discovery is
6 12/14/20?

7 UNKNOWN SPEAKER: Correct.

8 UNKNOWN SPEAKER: That's correct.

9 THE COURT: Yeah, and I can't extend those dates. So
10 within those confines, where is the case?

11 MR. WIDEIKIS: Your Honor, this is Jim Wideikis.

12 We have -- both sides, I guess, have answered
13 discovery. There is supplemental productions I think that
14 both sides -- I know Mr. Biagi can speak from his
15 perspectives. From ours, there is additional documents.

16 And then I believe that plaintiff has issued five or
17 six subpoenas. I'm representing a few of those. So I'm in
18 the process of putting those documents together and expect to
19 have those to the other side by next Monday. And then both
20 sides have many depositions noticed. We have seven noticed, and I
21 believe Mr. Biagi has about the same.

22 We have a call today at 1:00 o'clock to just schedule
23 logistics, how we're going to -- you know, how we're going to
24 schedule these in November. I think it's going to be
25 difficult to get this done by December 14th. That's just my

1 opinion. But that's the status from my perspective,
2 Your Honor.

3 THE COURT: Okay. Well, let me just say one thing.
4 How you all come out is strictly up to all of you. But do the
5 best you can to try to meet the schedule because you may find
6 you're not going to get any time or you won't get a lot of
7 time. So don't just assume it will be extended.

8 MR. WIDEIKIS: No, Your Honor -- this is Jim
9 Wideikis -- I'm aware of that.

10 THE COURT: Okay.

11 MR. WIDEIKIS: I think that the difficulty from my
12 perspective -- we did have a mediation with former
13 Judge Schenkier. That was last week. So from my --

14 THE COURT: Yeah --

15 MR. WIDEIKIS: -- perspective --

16 THE COURT: -- what happened?

17 MR. WIDEIKIS: It didn't work. It was a full day.
18 And unfortunately, you know, we didn't get it done. We -- I
19 lost about a week and a half preparing for that. And then I
20 don't want to sound sympathetic, but I've got, you know, kids
21 in e-learning and all that. So it's been a little bit of a
22 challenge, and it's continuing to be a challenge to get all
23 this done --

24 THE COURT: I'm sure it is.

25 MR. WIDEIKIS: I'm going to try the best I can. I

1 may have to file a motion and ask for another few weeks, but
2 I'm going to try my best to get it done.

3 THE COURT: Okay. Good.

4 MR. HERNANDEZ: Your Honor, this is Alex Hernandez on
5 behalf of the plaintiff Park Ridge Sports Incorporated.

6 We are fully ready to meet the deadline of
7 December the 14th of 2020. Thus far we've produced the
8 documents within our possession to the defendants in the case.
9 We expect that there is going to be an additional
10 supplementation, but that supplementation will not be as
11 extensive as the first production. And we expect to be able
12 to complete that within the next coming weeks and well before
13 the December 14th, 2020, deadline.

14 And as Mr. Wideikis mentioned, we will be discussing
15 later on this afternoon the scheduling of depositions. So far
16 that we've -- we've noticed depositions around the same amount
17 as the defendants have, but there has been a strategy change
18 on our end, and we believe that this case can be tried and
19 ready to go by February of 2021 and that depositions that will
20 be taken will be limited to four. And we plan to speak with
21 Mr. Wideikis about that this afternoon.

22 THE COURT: All right. And you folks don't see a way
23 clear to resolving this in some way short of an all-or-knowing
24 kind of roll of the dice?

25 MR. WIDEIKIS: I think it's more -- it's complicated.

1 I mean, ultimately we're asking for our name, Park Ridge
2 Travel Falcons, and the plaintiffs free to use their name, the
3 Park Ridge Falcons, the Park Ridge Bears, or whatever they
4 want.

5 I think at the mediation, Your Honor, we want --
6 extended an offer to have the name that we think we're going
7 to get. And then on top of that, there was some bad blood and
8 my guys wanted one of the plaintiff's board members to resign.
9 And there was some stubbornness back and forth and it didn't
10 get done. I'm not going to say it can't get resolved, but it
11 doesn't look very good right now.

12 THE COURT: Well, I think that's -- I think given
13 this case, that's really a shame. I'm not sure the game is
14 worth whatever is -- you think you're going to get. But
15 listen, if that's (indiscernible). I just would think this is
16 uniquely a case that could be and should be resolved.

17 Somebody is going to lose, and the loser is going to
18 be intimately more upset and forever than they would be
19 resolving the case and being a little disappointed. But
20 either there's a winner or a loser.

21 I had a case recently and people came in. They
22 were -- the defendant -- the defendants were sure they
23 couldn't lose, they couldn't. And the lawyer representing
24 them was from a huge -- probably an international firm, but
25 certainly a national firm. And he just -- they weren't going

1 to settle. And the defendants were convinced they were going
2 to win.

3 Well, they didn't win. They lost a half a billion
4 dollars plus about 30 million (indiscernible). They
5 ultimately settled the case after the trial. But it could
6 have been so easy to resolve. I just -- I think given this
7 case, more than almost any that I've seen over a fair number
8 of years now and a lot of years in prior practice, this one
9 from any case I've ever seen should be settled, but that's
10 just -- I'm not -- you know, I'm not a good football player.
11 I look for what's in the off end and for the winner compared
12 to the loser and how people are going to react if they lose.

13 Somebody is going to lose. And I just think it's
14 really a crying shame that over this at this time in our
15 history, you guys -- not you as the lawyers, but that the
16 clients have to get together and resolve this. And if they
17 don't get everything, so what? The world will go on and
18 nobody will be hurt. But this is what keeps you guys in
19 business. It's what keeps us in business. Thank goodness.

20 Well, you should talk with your client about trying
21 to resolve this case.

22 MR. HERNANDEZ: Your Honor, this is Alex Hernandez
23 once more.

24 Our position on this issue is it does need a
25 resolution quickly. Our client has been using the name Park

1 Ridge Falcons for over 50 years, and the -- and we fully
2 understand and respect the order and the lack of evidence you
3 already support that was presented there, but we do have the
4 evidence, Your Honor. We believe that a fuel resolution --

5 THE COURT: Give me one second. I'm sorry. Hold on.

6 (Brief pause.)

7 THE COURT: I'm so sorry.

8 MR. HERNANDEZ: It's completely fine. As long as it
9 was your football coach, it's all good.

10 THE COURT: Yeah, exactly. It was my football coach,
11 my meal coach, my life coach. And she kept calling, so of
12 course I thought there was something wrong. And of course
13 there's nothing wrong. I'm so sorry to do that to you.

14 MR. HERNANDEZ: Oh, no, no, no. It's completely
15 fine.

16 THE COURT: I just said too her, "Why did you call?"
17 "Oh, I was wondering" -- I said, "I'm just in the middle of a
18 phone call." "Oh, sorry."

19 Oh, gosh. Okay. I -- really, I understand. And the
20 dynamics of the pleas are such that the feelings become more
21 intense than in other kinds of cases. I really do understand
22 that. I just think if people could get a sense of proportion
23 and the people would be willing to give up something a bit
24 more than they would want to, I just think it should be
25 resolved. We are in the most perilous of times, and this is

1 what we're arguing about. But, you know, I get it.

2 MR. WIDEIKIS: Yeah, I hear you, Your Honor. I think
3 if some agreement was structured where we get to use the name
4 that we've been using and -- I'm hopeful that maybe something
5 could get worked out, but we don't agree with what
6 Mr. Hernandez says. We don't believe that that's their name,
7 and we don't think that's what the evidence is going to show.
8 And I --

9 THE COURT: Well, can I ask you a question? Does the
10 case sort of seem to hinge on the name and use of the name?

11 MR. WIDEIKIS: Yes, I think in large part. There is
12 other things. You know, my client made a donation that he
13 didn't think was spent properly.

14 THE COURT: Oh, for heaven's sakes. No one goes to
15 trial over that.

16 MR. WIDEIKIS: Yeah, no, I think if there was a
17 willingness to let us have the name that we think is ours, I
18 think maybe other things fall away and -- but, you know,
19 again, we sat with Judge Schenkier for an entire day and, you
20 know, we didn't even get there.

21 So, yeah, it's unfortunate, but maybe cooler heads
22 will prevail once we go through a few depositions. You know,
23 maybe that's what we have to do. I don't know.

24 THE COURT: Okay. Well --

25 MR. HERNANDEZ: Judge Cole --

1 THE COURT: Yes, sir.

2 MR. HERNANDEZ: -- my colleague, Michael
3 Killingsworth, would like to speak. His *pro hac vice* motion
4 is currently pending.

5 Is that okay if he shares a few words?

6 THE COURT: Sure.

7 MR. HERNANDEZ: Thank you.

8 MR. KILLINGSWORTH: Thank you, Judge.

9 So like Mr. Wideikis said, I think the case does
10 hinge on the use of the name. And part of that issue is that
11 our client has been using the Park Ridge Falcons since the
12 1960s. And we have that evidence. And I do apologize that we
13 didn't have the evidence in your hearing and that we didn't
14 support our motion with the necessary evidence. And I hear
15 you. And we really read, you know, your report recommendation
16 and took that to heart and have been getting that evidence
17 collected.

18 And what is the big issue here is that our client has
19 been using that name associated with the travel team even
20 dating back to the '70s. And now it's causing confusion.
21 It's causing confusion by players, by families in this
22 specific -- the same specific legion where both teams are
23 playing. And that's the big issue, is that we've developed
24 this good will associated with the football team for 50 years,
25 and they -- the defendants, respectfully, have come in here

1 and just stolen it.

2 And that's why this would become a big issue that --
3 you know, we're open for discussions. And I think maybe
4 Mr. Wideikis is correct that it's going to take some
5 depositions and further discovery. But at the end of the day,
6 the name is the big issue. And I don't think either party
7 is -- has really moved the ball on that front.

8 MR. WIDEIKIS: And I would just disagree. We have a
9 travel team and a nontravel team, and there's not a kid that
10 wakes up today and doesn't know what team he's on. Like,
11 everyone knows where they are. And one is a travel team that
12 plays in Pop Warner and the other isn't.

13 So, you know, we don't need to argue the merits here.
14 It's a status hearing. But, you know, I'd be interested in
15 seeing what evidence they're talking about. I haven't seen it
16 to date. And, yeah, I look forward to seeing it.

17 THE COURT: Let me ask you a question, and then we'll
18 stop because I don't want to go through with what Sidney
19 (indiscernible) and being a whole day. And that's what you
20 chose, you should do that. If you were convinced on the -- on
21 one side of the case that their claim that they had been using
22 the name all these years, would that matter to you all or not
23 matter or what?

24 MR. WIDEIKIS: I think -- I think what's at issue
25 here is they made a conscious decision to fold the travel

1 team, and we went out and continued to use that name. And
2 parents know, you know, there's a travel team and then there's
3 this other thing. And I think you're comparing apples to
4 bowling balls. And I think they're two different things. And
5 I don't think there's any confusion.

6 And I think the longer -- when we're almost -- we're
7 in the middle of our season. The more we play -- it's like,
8 if there was any confusion -- I mean, there isn't any now.
9 Everyone knows the differences. And I think ultimately that's
10 the problem. I don't think they're going to have a market
11 survey which demonstrates confusion. And I think they're
12 going to have some people that pop up that say there is some,
13 but I'm going to be able to cross-examine those people. And I
14 just don't think at the end of the day they have that.

15 What's a shame is I think these two teams can work
16 together and they could really synergize and help each other
17 out and use that -- use those names and maybe even protect it
18 against third parties in the future. I really -- I think
19 what's unfortunate is, I think -- and, again, I don't want to
20 speak out of turn, but I think these two entities could help
21 each other. That's what's the frustrating part. It's just we
22 want the Park Ridge Travel Falcons name and they can have the
23 Park Ridge Falcons name. And that's kind of what we're
24 looking for, Judge.

25 MR. HERNANDEZ: And, Your Honor, if I might just -- I

1 don't want to argue a bunch of the merits, but I just want to
2 respond to one thing. And that is, I think Mr. Wideikis has
3 done a great job throughout this case really confusing the
4 issue with the travel teams. And that's one thing I noticed
5 when we got on the case. And that is, there was a travel
6 team. We didn't fold the travel team. The travel team still
7 exists and it existed before.

8 And at the end of the day, what this boils down to is
9 a few board members who didn't get their way because they lost
10 the vote and then decided to try to take that name -- same
11 name, the good will that we've developed over 50 years, and
12 develop another travel league in a different -- in the Pop
13 Warner.

14 And there has been confusion. And I understand that
15 we put some evidence forth on that, but that will be something
16 that will be developed further. But there is a travel team.
17 And it's not as simple as what Mr. Wideikis is saying, that
18 the travel team folded. The travel team existed, it still
19 exists, and that's the issue. It's not about house league
20 versus the travel team. It is -- there is two travel teams.

21 THE COURT: I see.

22 Okay. Well, I hope you folks will keep talking
23 because I just think we as lawyers and judges place too much
24 emphasis on the results you get out of a piece of litigation.
25 And as you know, it's often a good deal less for the client

1 than it is for the lawyers. After a while, you get very
2 caught up in things.

3 And I remember when I did decide -- it's not a great
4 feeling (indiscernible), but I thought good riddance, there
5 are so many important things in life that could be resolved
6 and you folks could be using your brains in a -- I don't mean
7 to be disparaging. Honestly, I know it's important to
8 everybody -- but in a way that is -- your clients that could
9 be so much more productive and fulfilling than arguing about
10 what you're arguing about, but I -- truly, I understand what
11 it means to people.

12 I just think that as lawyers, you guys could get
13 together and make your clients be wiser and smarter and see
14 the light, but maybe not. So I get what -- why it's a big
15 deal, though.

16 All right. So you'll deal with Judge -- the District
17 Court, whatever you need to do. Judge Guzman, if you have to,
18 get to him. Don't wait. If you want more time for discovery,
19 don't wait until the end. Go sooner rather than later.

20 So what's the next step for you guys? Discovery ends
21 on the 14th, right?

22 MR. WIDEIKIS: Yeah, I think it's getting our
23 document productions out and then starting deps. I'm hoping
24 we can start them maybe not next week, but the week after, and
25 then talking with Mr. Biagi and Mr. Hernandez about maybe

1 limiting the deposition times, so they're maybe, you know,
2 only a few hours so we can, you know, maybe zip through these
3 in short order.

4 And I -- this is just my opinion, I don't think these
5 depositions need to be that long. I mean, I don't think we're
6 talking about five-hour depositions here. This isn't rocket
7 science.

8 THE COURT: Yeah, I agree with you.

9 All right. I'm going to put a number in the order.
10 If issues arise during the deps, call me. Don't fight with
11 each other over anything. I'm sure you wouldn't anyway. But
12 call and we'll resolve whatever issue we need to resolve.
13 We'll do it over the phone. And I don't think I need to --
14 well, I suppose I should.

15 Let's -- I think our next thing will be -- what's the
16 middle of December?

17 THE CLERK: 12/16.

18 THE COURT: The 15th or 16th? What?

19 THE CLERK: The 16th at eight --

20 THE COURT: The 18th. Let's have our next status on
21 either the 16th or the 18th.

22 Which is better for you, folks?

23 THE CLERK: I'm sorry, Judge. I meant 12/16 at
24 8:30 a.m. The 18th would not work.

25 THE COURT: Oh.

1 THE CLERK: Yeah.

2 THE COURT: 12/16 at 8:30. Is that okay with
3 everybody?

4 MR. NORBERG: Your Honor, this is Jeff Norberg.
5 We have a status already before Judge Guzman on the
6 16th.

7 THE COURT: Oh, okay. Can we do it after your status
8 with him?

9 MR. NORBERG: So that's at 10:30.

10 THE COURT: How about noon?

11 THE CLERK: Yeah, it will have to be at noon.

12 THE COURT: Will that be okay? And I won't --

13 MR. NORBERG: Sure.

14 THE COURT: -- keep you long. It's just to make sure
15 everything is done and closed up and -- okay?

16 MR. NORBERG: It sounds good.

17 THE COURT: All right. So 12/16 at 12:00 o'clock for
18 a status. And the number of where you'll call if you want to
19 call during depositions will be in the order. Okay?

20 MR. HERNANDEZ: Judge Cole, can we address one last
21 matter before we --

22 THE COURT: Sure.

23 MR. HERNANDEZ: -- end the call?

24 So thus far the defendants have produced only 22
25 documents, seven of which are really only their documents; the

1 rest of which are either --

2 THE COURT: Yours?

3 MR. HERNANDEZ: -- our -- yes. Yes, sir --

4 Your Honor.

5 So we would like -- Mr. Wideikis is proposing that we
6 take depositions soon in the coming weeks -- a date certain by
7 which they would be producing additional documents. And of
8 course we would be willing to reciprocate and provide a date
9 certain by which we will provide all additional documents so
10 that they can adequately prepare for the depositions.

11 THE COURT: Okay. So what date do you want?

12 MR. HERNANDEZ: How about if -- November the --
13 November the 6th?

14 THE COURT: All right. Hold on.

15 For both sides?

16 MR. HERNANDEZ: That would work, Your Honor.

17 THE COURT: All right. Document production to be
18 completed by November 6th -- 6th or 7th?

19 MR. HERNANDEZ: The 6th --

20 MR. WIDEIKIS: The 7th is --

21 MR. HERNANDEZ: -- is a Friday.

22 MR. WIDEIKIS: -- a Saturday.

23 THE COURT: I'm sorry?

24 MR. WIDEIKIS: The 6th is a Friday, Judge. The 7th
25 would be a Saturday.

1 THE COURT: All right. Well, by the 6th, then. So
2 the end of Friday. Okay?

3 Yeah, we'll put that in the order. The document
4 production for both sides to be completed by November 6th.

5 MR. WIDEIKIS: I don't see any problem with that,
6 Judge.

7 THE COURT: Okay.

8 MR. HERNANDEZ: Thank you, Your Honor.

9 THE COURT: All right. Good. Thank you very much.
10 And I'll talk to you in the middle of next month, December.
11 Sorry. And if something comes up, you'll call.

12 MR. WIDEIKIS: Thank you.

13 MR. HERNANDEZ: Thank you, Your Honor.

14 THE COURT: Thank you. Bye.

15 (Which were all the proceedings heard.)

16 * * * * *

17 CERTIFICATE

18 I certify that the foregoing is a correct transcript from
19 the digital recording of proceedings in the above-entitled
20 matter to the best of my ability, given the limitations of
21 using a digital-recording system.

22

23 /s/ Amy M. Spee

12/2/2020

24 Amy M. Spee
25 Official Court Reporter

Date