

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

DONALDSON TWYMAN,)	
Plaintiff,)	
)	No. 16-cv-04182
v.)	
)	Honorable Virginia Kendall
S&M AUTO BROKERS, INC., SAED)	
IHMOUD and MOHAMMED IHMOUD,)	Magistrate Judge Sheila Finnegan
Defendants.)	

PLAINTIFF'S CORRECTED MOTION TO SUPPLEMENT SANCTIONS MOTIONS

Plaintiff, DONALDSON TWYMAN, through his attorneys, moves to supplement his pending sanctions motions with the exhibits attached hereto. In support of this motion, Plaintiff states as follows:

1. Plaintiff obtained yesterday the two exhibits attached hereto. They are further proof of Defense Counsel Brodsky's pattern of sanctionable conduct at depositions and of making abusive comments to opposing counsel in correspondence.

2. Exhibit A is a March 2015 letter to the ARDC by Circuit Court of Cook County Judge Nega regarding Mr. Brodsky improperly instructing a third-party witness not to attend a deposition and filing pleadings that contradict each other. This conduct mirrors similar misconduct in this case where: (a) Mr. Brodsky instructed Defendant's expert Hasan not to bring subpoenaed records to his deposition resulting in no records being produced; and (b) Mr. Brodsky has filed numerous pleadings containing false factual claims or claims which are not supported by any record evidence, such as his claims that Plaintiff's counsel is engaged in a criminal enterprise.

3. Exhibit B is a letter from Mr. Brodsky to his opposing counsel in that same case. Mr. Brodsky repeatedly accuses opposing counsel of lying (as he has done in this case). He then accuses opposing counsel of being "learning disabled" of "drinking" too much and of being a

habitual liar. Mr. Brodsky finally implies in a sarcastic comment that the lawyer has sexual “feelings” for his own client. Mr. Brodsky’s abusive behavior places great stress on his opposing counsel as well as the opposing parties and judges that must deal with that misconduct. This behavior needs to be deterred by sanctions that this Court deems are appropriate and is not an appropriate matter for Plaintiff to address in any settlement with the Defendant.

4. Plaintiff is perfectly willing to discuss settlement with Defendant following a sanction ruling (and can do so if an offer is ever made while the sanctions issue is pending).¹ However, Plaintiff has no interest in mediating or settling the sanctions issue with Mr. Brodsky. That matter is a serious issue which Plaintiff wants resolved by the Court and is not willing to resolve by a private and confidential settlement with Mr. Brodsky as his counsel has requested. Mr. Brodsky’s counsel has indicated that Mr. Brodsky has no intention of admitting to any of sanctionable conduct (including falsely accusing Plaintiff’s counsel of criminal misconduct in publicly filed pleadings) as part of a settlement and wants any settlement to be completely confidential. No actual monetary settlement offer was made in these discussions. Thus, any settlement discussions with Mr. Brodsky would be a futile endeavor. Only a ruling by the Court on the sanctions issue will result in deterrence and the appropriate relief.

¹ Defendant has never made any settlement offer in this case. Simply expressing an interest in settlement by declining to make any offer is not a reason to go to a settlement conference and should not be used as a tactic to delay the sanctions hearing and the briefing of that issue.

WHEREFORE, Plaintiff requests that this Court grant Plaintiff leave *instanter* to supplement his pending sanctions motions with Exhibits A and B attached hereto.

DONALDSON TWYMAN

By: /s/ Peter S. Lubin
One of his attorneys

Peter S. Lubin
Andrew C. Murphy
DITOMMASO ♦ LUBIN, P.C.
17 W 220 22nd Street – Suite 410
Oakbrook Terrace, IL 60181
(630) 333-0000
psl@ditommasolaw.com
acm@ditommasolaw.com

EXHIBIT A



State of Illinois
Circuit Court of Cook County

Marya Nega
Judge

Richard J. Daley Center
Chicago, Illinois 60602

RECEIVED

March 20, 2015

MAR 27 2015

**ATTY. REG. & DISC. COMM.
CHICAGO**

Attorney Registration & Disciplinary
Commission
130 E. Randolph Street, Suite 1500
Chicago, IL 60601-6219

RE: Gountanis v. Diamantopoulos – 2010 D 11258

Dear Sir/Madam:

I am a Cook County judge hearing the above-captioned divorce. The conduct of Mr. Joel Brodsky and Mr. Ted Diamantopoulos in this case requires me to report them to the Attorney Registration and Disciplinary Commission. I enclose two motions filed by Mr. Brodsky which speak for themselves. The motions contain contradicting facts and show Mr. Brodsky unilaterally contacted a subpoenaed witness to stop his appearance at a deposition. Mr. Diamantopoulos conducted a deposition in the absence of his opposing counsel. I also enclose a copy of the deposition transcript.

Sincerely,


Judge Marya Nega

Encl.

MN/rd

EXHIBIT B

JOEL A. BRODSKY

Attorney At Law

EIGHT SOUTH MICHIGAN AVENUE
32ND FLOOR
CHICAGO, ILLINOIS 60603

(312) 541-7000

FAX (312) 541-7311

jbrodsky@joelbrodsky.com

March 17, 2015

Todd Feiwell
Attorney at Law
20 N. Clark St., Suite 2710
Chicago IL 60602
todd.feiwell@feiwellpc.com

Re: In Re The Marriage Of Patty Gountanis and Ted Diamantopoulos, 10 D 11258;

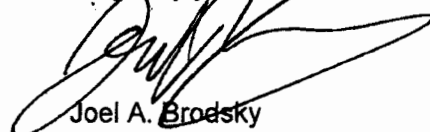
Dear Mr. Feiwell,

In response to your letter of today's date, we have fully complied with the list of documents that you provided to us in court for the first time on March 4, 2015. Further, I have since looked through our copies of the documents previously produced to you, and it is clear that you intentionally lied to the Court when you told Judge Nega that you didn't have certain Chase Bank Accounts. (Like you lied when you said we tried to hide retirement accounts, when we were the ones that produced the Fidelity IRA documents you waived around in court) I have verified by checking the duplicate electronic documents we sent to you that you received full and complete copies of the Chase Bank statements from December 2009 through July 2013 when they were sent to you in September 2013. It is also verified that the complete April-May 2013 Chase Bank statement you now claim was missing was produced to you in the September 2013 disclosure. Further, you were provided with full and complete bank statements from July 2013 through November 2014 in December 2014.

As to the other items in your letter, such as the phantom 5/3 Bank Account, my client and I have no idea what you are babbling about. There is no 5/3 Bank Account. Also, since you appear to be learning disabled and unable to comprehend simple English we will say it again, my client deposits all her child support checks into her Chase Bank Account. As to the other items in your letter you should have asked for them in your March 4, 2015, list. Since you did not, you will get whatever you are entitled to when we update our discovery pursuant to the court's trial order.

Everyone that practices in the other divisions of the Circuit Court knows how divorce lawyers lie, but can't you please keep it down to a minimum? Is it your drinking that your wife complained about all the time? Or am I really writing to Ted, and only addressing it to you? And if that is the case, why are you letting Ted use you like this? Do you harbor "feelings" for him? Just curious.

Very truly yours,



Joel A. Brodsky

JAB/re
cc. Patty Gountanis

CERTIFICATE OF SERVICE

I, Peter S. Lubin, the undersigned attorney, hereby certify that on the May 26, 2017, I caused a true and correct copy of the foregoing **PLAINTIFF'S CORRECTED MOTION TO SUPPLEMENT SANCTIONS MOTIONS** to be served all counsel of record via the Court's CM/ECF System

/s/ Peter S. Lubin