

CYNTHIA A. JARZ
Official Court Reporter

1 MS. MALONEY: Judge, if you are ready, I am
2 ready to address what actually is set as a status.

3 It is 08 P 624.

4 THE COURT: This is Nicholas Salamie.

5 MS. BANKS: Good morning, your Honor.

6 THE COURT: Good morning.

7 MS. MALONEY: For the record, Judge,
8 Katherine Maloney, court-appointed guardian ad litem.

9 MS. BANKS: Donnya Banks, Attorney for
10 Nicholas Salamie.

11 THE COURT: All right.

12 MS. MALONEY: Judge, this is before you today
13 on status of First Midwest Bank who was court ordered to
14 be the successor trustee back in June of their
15 marshaling of the assets.

16 Miss Halisek of FMB has advised me that the
17 mother is not cooperating with providing IDs so that
18 they can set up the trust accounts pursuant to the
19 Court's order.

20 They are asking that we have an order
21 compelling them to cooperate so that the bank can
22 complete the marshaling of assets.

23 MS. BANKS: Your Honor, we would object to
24 that. We have filed a petition to vacate the order of

1 June 10th, 2021. And we have addressed a number of
2 reasons why. I called Miss Maloney. I was not aware
3 that she did not have a contact listed through the
4 e-file system.

5 So when it was filed on November 1st, I was
6 under the impression that she was being served. And
7 when I did not get a response from her on Friday, which
8 is when it would have been due, I called her on Monday
9 after calling the clerk to get her contact information.

10 I have filed a motion to strike the status and
11 presentment of vouchers. It is still working its way
12 through the system.

13 I informed Miss Maloney that I was going to do
14 that yesterday morning. And I asked her whether she had
15 responded and perhaps I haven't received it.

16 She never answered that question. But I told
17 her that she could have 30 days to respond to the
18 position -- petition, and then we can reconvene.

19 And if there is any rebuttal necessary from us,
20 we will provide that. And then we can set at least a
21 preliminary hearing on the matter.

22 The basis of the petition --

23 MS. MALONEY: I am sorry. I hate to
24 interrupt you, counsel, as you haven't provided any

1 notice of anything. There is no petition before this
2 Court. There is no petition for presentment. There is
3 nothing before this Court other than the status date
4 today.

5 And you sending me letters as to what you will
6 grant me as the response time is not something that I am
7 going to accept.

8 MS. BANKS: Well, whether you accept --

9 MS. MALONEY: I am before Judge Pavich this
10 morning. And I would like Judge Pavich to note there
11 are no pending petitions before this Court today. It is
12 set for status of vouchers only.

13 MS. BANKS: And, your Honor, while that is
14 true, that it is set for status, the reason I am
15 appearing is to notify the Court that a petition to
16 vacate has been filed on jurisdictional basis, on
17 misrepresentation basis, on false statement basis.

18 And before the Court goes any further, this
19 petition should have a full hearing. And if
20 Miss Maloney chooses to respond to it, then she can.

21 And if she is indicating that she is not, then
22 we can go ahead and set a hearing for this because we do
23 not believe that this Court has jurisdiction to do what
24 it does.

1 This is not the appropriate forum to raise the
2 matters in detail. This is simply to let you know that
3 we object to presentment of vouchers today for these
4 reasons and also to ask the Court whether it is going to
5 require Miss Maloney to respond to the petition to
6 vacate. She is the respondent.

7 MS. MALONEY: I am not the respondent. And
8 this is nonsense. There is no petition before this
9 Court. And she is trying to vacate an order from a
10 full hearing that was heard and ordered as of
11 June 10th.

12 MS. BANKS: Your Honor, there is a difference,
13 which Miss Maloney should know between a motion to
14 vacate and a petition to vacate. And a petition to
15 vacate --

16 MS. MALONEY: Miss Banks, it would be
17 wonderful if you would learn how to do petitions and
18 notices of them. That is what would be wonderful.

19 You don't get to just file something and then
20 think that you get to order me to respond.

21 MS. BANKS: I am not prepared to argue with
22 you. I am here to --

23 THE COURT: All right.

24 MS. BANKS: -- to any presentment of vouchers.

1 MS. MALONEY: Judge, are you speaking?

2 THE COURT: Yes, I am trying to. The problem
3 is, Miss Banks, that we don't -- nobody had notice of
4 this. I did not receive courtesy copies of it.

5 I saw it last night just because I check
6 everything the day before. But I think it is improperly
7 before me today procedurally.

8 MS. BANKS: Your Honor, I am not suggesting
9 that we put this before you. What I am here for today
10 is to object on the record to the presentment of
11 vouchers and to make the Court aware of the filings that
12 are pending. And that is basically it.

13 THE COURT: Well, I don't -- it is my
14 understanding, Miss Maloney, correct me if I am wrong,
15 but there are no vouchers for presentation this
16 morning.

17 MS. MALONEY: That's right. The bank needs
18 additional time. And they are seeking an order
19 compelling the mother to sign the documents so they can
20 set up the successor trustee properly, which all was
21 court ordered in June.

22 THE COURT: Okay. Well, in terms of the
23 additional time, that is fine. But what additional
24 language are they looking for?

1 MS. MALONEY: They need the mother to sign
2 off, who was the prior guardian. They need her to sign
3 off on getting W-9 signatures. And they need the IDs of
4 both Nicholas Salamie and the mother.

5 MS. BANKS: The mother is actually the trustee,
6 your Honor.

7 MS. MALONEY: No, she is not. This Court
8 ruled on that in June.

9 MS. BANKS: Yes, she is. And there are
10 competing orders. There are matters of --

11 MS. MALONEY: There are not competing orders.
12 There is an order that specifically states First Midwest
13 Bank is the successor trustee period.

14 MS. BANKS: Well, there is a preprinted order,
15 and there is a predated matter.

16 MS. MALONEY: Anyway, Judge, I just need
17 direction today.

18 THE COURT: Well, I am not sure what competing
19 order is being referenced here.

20 MS. MALONEY: There isn't any. She is just
21 making this up just like the -- just like her petition
22 somehow claims that the 14th amendment has been
23 violated, which is, you know --

24 MS. BANKS: It has been violated.

1 MS. MALONEY: -- the abolition of slavery. So
2 I don't know how that has been violated in this
3 proceeding.

4 MS. BANKS: That is the abolition of slavery?
5 You want to try that again? That is the 13th amendment.

6 MS. MALONEY: No. That is the 14th, which you
7 cited.

8 THE COURT: Here is what we will do today.
9 my --

10 MS. BANKS: Get a copy of the constitution.
11 Sorry, your Honor.

12 THE COURT: My order today will reflect that
13 the additional time is granted, as well as that
14 language.

15 Miss Banks, if you want to get a date for
16 presentation of your motion, I will set a briefing
17 schedule.

18 And then, if need be, we can consider setting a
19 hearing date. But at this time, just procedurally, it
20 is not before me.

21 So I am aware of what has been filed. So I
22 appreciate that. But in terms of what is going to
23 happen today, I think that will be -- we will just
24 confine it to the presentation of vouchers and what is

1 required for that.

2 MS. BANKS: Okay. And, your Honor, you just
3 mentioned that you would be willing to set a briefing
4 schedule?

5 MS. MALONEY: No.

6 THE COURT: I said if you get a date for
7 presentation of the motion and proper notice to the
8 relevant parties, then we will come in here.

9 And we will discuss setting a briefing schedule
10 at that point.

11 MS. BANKS: Okay. Your Honor, I will
12 absolutely do that.

13 THE COURT: Okay.

14 MS. MALONEY: Judge, I was looking out to
15 November 10th for status on vouchers.

16 THE COURT: That is fine. That is fine.

17 MS. MALONEY: Thank you. I will draft the
18 order and submit, Judge.

19 MS. BANKS: Your Honor, how would you like me
20 to present the request for the petition? Would you like
21 me to do that orally today, or would you like me to
22 submit it --

23 THE COURT: Through the clerk's office,
24 please.

1 **MS. BANKS:** Okay.

2 **MS. MALONEY:** That was it, Judge. Thank you.

3 **THE COURT:** All right. Thanks, everyone.

4 **MS. BANKS:** Thank you.

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IN THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

I, CYNTHIA A. JARZ, an Official Court Reporter for the Circuit Court of Will County, 12th Judicial Circuit of Illinois, transcribed the electronic recording of the proceeding in the foregoing cause to the best of my ability and based on the quality of the recording, and I hereby certify the foregoing to be a true and accurate transcript of said electronic recording.



CYNTHIA A. JARZ

Dated this 8th day
of October, 2021.