

IN THE CIRCUIT COURT FOR THE TWENTY-THIRD JUDICIAL CIRCUIT
DEKALB COUNTY, ILLINOIS

FILED

9/13/2021

2020L 000034

Lori Grubbs

Lori Grubbs
Clerk of the Circuit Court
DeKalb County, Illinois

145 FISK, LLC, and CHARLES BULSON,)

Plaintiffs,)

vs.)

Case No. 20 L 34

F. WILLIAM NICKLAS, individually, and)
THE CITY OF DEKALB,)

Defendants.)

-----)
JOHN F. PAPPAS, PAPPAS)
DEVELOPMENT, LLC, PNG)
DEVELOPMENT, LLC, and)
HEARTLAND REAL ESTATE)
HOLDINGS, LLC,)

Respondents in Discovery.)
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ORDER

This matter having come on for hearing on the Plaintiff, 145 FISK, LLC's, Motion for Leave to File Second [sic] Amended Complaint to Add Parties & Claims and Convert RIDs into Defendants (the "Motion to Convert"), the Court being fully advised in the premises, hereby finds and orders as follows:

- 1) The Motion to Convert is amended on its face to provide that it is a Motion for Leave to File Third Amended Complaint and Add Parties & Claims and Convert RIDs into Defendants.
- 2) The record before the Court is sufficient for a probable cause hearing.

3) The Motion to Convert is granted in part and denied in part for the reasons stated on the record as follows:

- a. The Court finds there is no probable cause to convert the Respondents, JOHN F. PAPPAS, PAPPAS DEVELOPMENT, LLC, and PNG DEVELOPMENT, LLC (collectively hereinafter the “PAPPAS ENTITIES”) to party defendants as to the Plaintiff, 145 FISK, LLC’s alleged claim against them for tortious interference with a business expectancy, Count I of its proposed Third Amended Complaint, and the Plaintiff’s Motion to Convert is denied without prejudice as it relates to this alleged claim.
- b. The Court finds there is no probable cause to convert the PAPPAS ENTITIES to party defendants as to the Plaintiff, 145 FISK, LLC’s alleged claim against them for tortious interference with contract, Count VI (erroneously numbered as Count VIII) of its proposed Third Amended Complaint, and the Plaintiff’s Motion to Convert is denied without prejudice as it relates to this alleged claim.
- c. The Court finds that there is probable cause supporting Plaintiff’s Motion to Convert PAPPAS ENTITIES to party defendants as to its claim for an alleged civil conspiracy, Count VII (erroneously number as Count IX) of its proposed Third Amended Complaint and is therefore granted.
- d. The Court finds that there is probable cause supporting Plaintiff’s Motion to Convert PAPPAS ENTITIES to party defendants as to its claim for alleged in concert action, Count VIII (erroneously number as Count X) of its proposed Third Amended Complaint and is therefore granted.

- 4) The Defendants, F. WILLIAM NICKLAS, and THE CITY OF DEKALB, shall tender its written discovery responses, including but not limited to its e-discovery production and privilege log, to the Plaintiff, 145 FISK, LLC, not later than September 21, 2021.
- 5) This matter is continued to 9:00 a.m. on September 27, 2021 for status on Defendants, F. WILLIAM NICKLAS, and THE CITY OF DEKALB's, written discovery responses, status on Plaintiff's Subpoena Duces Tecum to Google, Inc., and production, and for setting of a schedule on amended pleading by the Plaintiff, 145 FISK, LLC.

SO ORDERED this ___ day of 9/13/2021, 20__.

/s/ Bradley Waller

Judge Presiding

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