

**First Circuit Court of the State of Illinois,
County of Cook**

Ted E.C. Bulthaup III)	
Plaintiff,)	
)	Case No. 19L4480
v.)	
)	
The Law Office of Michael Young and)	
Michael J. Young)	
Defendants.)	
)	

RULE 214 MOTION TO COMPEL PRODUCTION OF DISCOVERY

COMES NOW Plaintiff, and on best of knowledge and belief, files this, his Motion to Compel Production of Discovery and in support thereof, states as follows:

1. This is a legal malpractice case in The State of Illinois v, Ted Bulthaup, in which Plaintiff Ted Bulthaup suffered harm from his attorney, Michael J Young and his multiple Breaches of his Fiduciary Duties and his Negligence.

2. While still in custody of IDOC, Plaintiff first requested the entire case file by phone with Defendant on or about April 28th, 2017. This was the date Young maintained he argued his Motion to Reconsider Sentence in the Courtroom and his last appearance in the case. It had been arranged beforehand that Bulthaup would start making unprivileged collect calls late that afternoon too Young for a report on what had transpired. The items in that file were documents and narrative provided Young by Bulthaup, and the request specifically included any and all Young’s work product such as notes, emails, records and copies of communications, legal research and any other records in the matter and his narrative or notes for that court argument. In that conversation, Young said he was not required to hand over his work product, but that he would see what he had and also provide it.

3. Shortly thereafter, Defendant Young turned over what he called the “case file” to Plaintiff’s daughter who picked up the proffered materials at Defendants office.

4. Upon receipt, Bulthaup reviewed the proffered “case file” and found it consisted almost entirely of materials Bulthaup provided Young along with additional paperwork and evidence discs from the State’s Attorney’s office and a copy of the final court order. The materials were wholly deficient of any of Young’s work product, research and communications.

5. In late summer of that same year, 2017, Plaintiff Bulthaup, still in custody although having been removed to Chicago work release facility, himself emailed Michael Young a letter renewing his request for the missing materials. They were sent as attachments to Defendant's email at his old account of esquiremichaelyoung@yahoo.com. As the Defendant had changed his website to www.winwithyoung.com, the renewed request also using his new email, mike@winwithyoung.com. Defendant never responded.

6. Plaintiff concurrently sent, on two separate occasions, a copy of the letter that had been attached to those emails by US Mail to Defendants office at 9842 Roosevelt Rd in Westchester, 60154, also without response.

7. On March 28th of 2018, while still incarcerated at the work release center, Bulthaup was able to renew his requests by email, with electronic copies now directed to Ken Sullivan, a friend of Bulthaup and who is also an attorney. Hard copies were once again placed in the U.S. Mail to Young at his same office address. This process was repeated on April 23 and again on August 26th including a new return mailing address for Ken Sullivan who had moved offices. The copies of this traffic are enclosed as **Exhibit A**. Sullivan was called by Young who said he would comply by providing whatever he had, although still maintaining he was not required to provide anything, specifically referring to his own work product and communications. Nothing further was heard from Young.

8. Bulthaup then called Young on his cell phone on the afternoon of Friday, May 11, 2018. This was from a new number that Young would not have recognized and Young did pick up. The request was renewed and after a fairly short exchange Young said he had to think about it but had to hang up for a Client and would call back later that day. At 2:46pm, Bulthaup again sent a request by text saying he only had an hour left and again imploring Young to call or provide the materials. Young did not respond. **Exhibit B**. Bulthaup then tried calling Young the next day and succeeded on the second attempt. After a brief conversation, Young again stated he did not have to legally comply Bulthaup's request. Bulthaup rebutted, knowing that wasn't true; saying that even if Young was right about that, he still had a professional ethical responsibility and that further he was not acting in good faith if he withheld anything. Young then switched stories now saying he never had any additional records. It was obvious to Bulthaup that Young was just not willing to honor the request.

9. With all those prior requests Young could have shut down the outreach much earlier by first claiming he had looked and had nothing to provide. Young never previously asserted that firewall. Rather he had repeatedly asserted he did not, by law, have to comply with the request and in one instance only, on the phone with another lawyer, said that he would comply. In his final phone conversation with Bulthaup, while Young initially again maintained some kind of attorney privilege from his own client and did not have to comply with such a request; he now changed to a new story and asserted he had nothing, no records to surrender. Young said in that conversation that during the case he had kept everything in his "Noodle"; meaning he kept everything in his head, a term Bulthaup had heard him use before. **Exhibit C** is a log of those calls.

10. Almost a year later, on April 25, 2019, Young spotted Bulthaup in the halls of the DuPage County Courthouse where he was filing requests for transcripts. The week before this, Sullivan had made a courtesy call to Young leaving a voicemail stating Bulthaup's intentions to file a Malpractice Complaint and asking Young if he wanted to sit down and talk before that occurred. Young had never responded. However, on April 25th Young did call Sullivan from inside the Courthouse as he watched Bulthaup return to his car to leave; protesting and among other absurdities threatening a defamation suit if a complaint was indeed filed. In that call Young again changed stance on the case files, now stating he only had one page of notes. This new statement is hardly credible in such a large case and at an expense to Bulthaup of \$90,000 which Sullivan pointed out during that conversation. If Young was speaking the truth about suddenly having just one page of notes, that was deceitful and supports Plaintiff's contention of negligence, and is both a breach of good faith dealing and his fiduciary duties. If false, that indicates the same conduct compounded by Young having conducted a cover up. Bulthaup provided Young with full contact information in every communication throughout the period.

11. Bulthaup filed the Verified Complaint on Friday April 26th, 2019, and Defendant was served at the Law Office of Michael Young on May 21st, 2019. Concurrent with this, Plaintiff sent a Litigation Hold by email on May 16th, 2019 ([Exhibit D](#)), with a copy by U.S. Mail on May 17th, 2019 with a Proof of Mailing ([Exhibit E](#)).

12. Plaintiff has made numerous attempts to confer with Defendant to reach an agreement as per Ill. S. Ct. R. 201(k), 219(a). The Defendant had first refused to communicate for an extended period of time, then repeatedly refused with various contradictory excuses the production of the documents, work product, his research, communications, records, etc., that were repeatedly requested in good faith by Plaintiff over another extended period of time. Timely communication and production of these materials are a fiduciary duty due Plaintiff as Young's client, by operation of law and ethics; and are also directly relevant to Plaintiff's theories of liability and therefore the requested materials should be made available.

13. The requested information is discoverable, Plaintiff moves this Court for a ruling and order on Defendant Michael J. Young to provide any and all documents relating to DuPage Case Numbers 14CF2165 & 14CF2166, including specifically the following:

- a) Young claimed the box of documents provided was the complete case file, but it was incomplete containing as marked exhibits only items 3a,3b,3c,3d, 4, 5, 9, 10 and 11. Those missing items were all given to Young by Bulthaup, those remaining documents must be provided.
- b) Identify and provide the names and contact information including address, email and phone numbers with any all staff of the Law Office of Michael Young over the period of representation; or anyone who helped Defendant in the administration, research or preparation of the case, or who has firsthand knowledge from Defendant of his representation of Plaintiff, or anyone else with who Michael J. Young discussed the underlying cases.
- c) Provide a record of any and all privileged or non-privileged communications between Defendant or his agents or associates and his former client, Ted Bulthaup, his family, friends,

witnesses, staff, the staff of the 18th Judicial Circuit in DuPage County, the Illinois Department of Revenue, the Illinois Attorney General's Office, any State's Attorney, Illinois Department of Corrections, Illinois Department of Revenue or the DuPage County Probation & Court Services Office, the DuPage County Jail or any and all related personnel to the above, or anyone else beginning with the initial representation of Client Bulthaup through and including the date of service in the above referenced complaint, including, but not exclusively, all letters, notes, electronic communications, texts and records of any kind.

d) During Young's representation Defendant had stated he made it a practice to never send back the return receipts that are attached to emails to confirm they had been received. Young also told his client that he also never deleted emails so he could always refer back to them. That being the case, Defendant should provide copies of those communications, sent, received, drafts or deleted, with any and all email addresses, including any other staff or interns of the Law Office of Michael J. Young, and surrender the physical laptop, office and home computer, and any removed hard drives for review. Provide the name and contact information for the website designer and webmaster.

e) The requested information and documentation further includes, but is not limited to, emails, texts and other electronic communications; word processing documents; spreadsheets; databases; calendars, billing and use statements, telephone logs, internet usage files; offline storage or information stored on removable media, and information contained on laptops or other portable devices, including cellular telephones.

f) Identify service providers and surrender any and all phone records, including bills, for both office and personal cell phones, from between January 1, 2015 through to the Service of the Complaint. Surrender all electronic communication devices including laptops, pads, home computers, and cell phones used during the same period for scanning of any deleted texts and call data.

WHEREFORE, as Defendant Young has maintained a pattern of being uncommunicative, repeatedly acted in bad faith and further refused to be responsive to Plaintiff's many legitimate production requests; all over an extended period of time, the Plaintiff moves the Court to issue an Order compelling the Defendant to respond to this discovery request and provide the required materials within 45 days to Defendant at 144 South Pinecrest, Bolingbrook, Illinois.

Plaintiff further moves the Court require full and timely compliance to the specific terms of this order or otherwise sanction the Defendant by barring him from testifying and presenting any evidence at the trial of this matter, in addition to any other sanctions this Court might deem appropriate. Plaintiff asks that the above stated sanctions shall remain in effect until removed by Order of Court upon motion by the party against whom the sanction applies.

This matter having come before the Court on the motion of Plaintiff to compel production of discovery, IT IS HEREBY ORDERED: Defendant shall cause to have these materials delivered into Defendants possession at 144 South Pinecrest, Bolingbrook, Illinois 60440 or such other place as is mutually convenient and reasonable to both parties within 45 days of this order.

SO ORDERED,

Presiding Judge, 1st Circuit Court of the State of Illinois, Cook County

Dated this ___th of July, 2019

Certificate of Service

I hereby affirm that on this ___th day of July, 2019, a copy of this Motion to Compel Production of Discovery was provided to defendants by mailing a copy of this Motion by regular U.S. Mail, postage prepaid with a certificate of mailing, to Michael J. Young and The Law Office of Michael J. Young, at that office located at 9842 West Roosevelt Rd, Westchester, IL 60154 and by emailing a copy to them at esgmichaelyoung@yahoo.com and mike@winwithyoung.com.

Ted E.C. Bulthaup III

March 28, 2018

April 16, 2018

April 23, 24, 25, 26 2018

Sent text Message Afternoon of May 11, 2015

July 3, 2018

Calls were made on

He saw me on April 25

Filed on 26th