

Sworn Affidavit of Lacey Delismon

My legal name is Lacey Delismon and I currently reside at 144 South Pinecrest, Bolingbrook, Illinois 60440 in Will County, Illinois.

Ted Bulthaup is my stepfather, brought me up with my siblings and I have known him about 30 years. During the court proceedings and about the two years before, through to the foreclosure of his house at 6722 Patton Drive, Woodridge, when we were forced to move; my husband, daughters, and I lived with him at that residence. After his car was repossessed, I would often drive him to court hearings, sit through the hearings and then bring him back home so I am familiar with most things that happened.

I was in the courtroom at an early hearing and noticed the Prosecutor had a conversation with Michael Young after the Judge got up and left. They were up in the middle of the court room in front of where the Judge would sit. I was back behind the defense table and the rail where the audience would sit. I could not hear what they said, but my stepfather said he had overheard some of what the Prosecutor had said and was very mad at that guy for trying to bribe his attorney with the bail money. He couldn't believe that the state would try and do something like that, he was really shocked. Ted was also concerned as he needed to pay that money back to the person that lent it to him after this was all over. Ted also said the state must have realized how weak their case was and were getting desperate. I know that Young told Ted to not worry, he had turned the prosecutors offer down.

I remember being at home when Ted had said the State was threatening to file Class X felonies against him if he did not plead guilty to a single tax charge, but he wasn't going to plead. I also remember when my Mother got a letter about the same time and they threatened to charge her with crimes if she didn't help them get a conviction. Both Ted and my Mother were very upset and angry about all this, and Ted kept pointing out that the state must really have a bad case and want to avoid a trial. My mother got a separate attorney, John Houlihan, at this point. I remember later after Ted talked to her attorney, who had spoken to the prosecutor; and Houlihan said it was really guilt by association and horrible, and everyone was mad the state would stoop so low and do something like this. Ted and Mom knew they were really bad guys and do anything to get him convicted.

Later, I was in court after those additional charges were filed that the same prosecutor ran up to Young like last time, although almost right in front of us, and Ted was told by Young he would drop those new charges if Young could just get him to plead to the one tax charge. I know Ted did not want to plead, and he always said they were ridiculous and false, it was like

extortion. Ted was very depressed, stayed at home and in his bedroom all the time. I remember that happened just after Christmas.

Months later in the summer, and on the way to the courthouse Ted explained he was going to plead guilty, but Young was supposed to show the Judge the threatening letter the state had sent my Mom and some other papers but I don't remember what they all were. Ted said the Judge couldn't accept the plea and for me not to be scared. He also said after this they would leave my Mom alone from now on, as if they carried out their threat it would hurt the State's own case.

At that hearing, Young first tried to get the bond money and the Judge wouldn't let him have it, and then the Judge left, and I was thinking we were done. Young stayed upfront and mostly spoke to a woman prosecutor who I don't remember seeing before; and then he came over to Ted. Ted had told me we weren't done with what he had told me about with the plea. The Judge later came back in and they were all up there talking a long time and I don't know enough to follow or remember what was said. I remember Ted and Young spent a lot of time talking after it was all over, and kept talking all the way to the parking lot while I followed.

Afterward on the way home, Ted explained that the Judge had accepted the plea which was not supposed to happen. Ted had also called a friend from the car and told them what happened. Young had changed his mind, had not spoken up or do what he was supposed to do, told Ted afterward not to worry he could get the guilty plea thrown out anytime and Ted was better off going ahead with what Young did and should listen to him. He said that Ted would get probation because he was a first time offender and his age and Young would make sure of that he didn't go to jail. Ted was very upset and scared, did not like the idea of being a convicted felon. He was also upset because he had wanted Young to show the Judge all what the Prosecutor was doing to get him, had wanted Young to show the Judge the papers and make sure the Judge realized what bad people the Prosecutors were and how bad there case must be but that didn't happen either.

The last hearing was another sentence hearing, there had already been two. Ted told me before that even if the Judge did sentence him to jail time, he would still be given at least 30 days to report to jail and that Young would vacate the plea and we would basically start over. Ted was still very nervous. A couple of Ted's friends spoke on the witness stand saying what a good guy he was, it was Mancow from the radio and the Senior Trial Attorney from the SEC. Ted then made a long speech and everyone in the audience and the women by the Judge were crying, the Judge seemed sad and concerned too, and had to leave to think about everything after Ted was done speaking.

All of us were still teary eyed and went to talk in the hall, and Young took the guy who had leant the bail money to Ted down the hall while we stayed with my Father. Ted said not to worry and explained to everyone he wouldn't be taken away, but when Young reappeared Ted asked again in front of everyone and Young said that if the Judge ordered, they would take him away right there and then. Ted argued back that is not what Young had said. Ted was very agitated and everyone outside became very scared, but the Judge was just then coming out and we all had to go back inside. Young still said he was sure Ted would be given probation.

The Judge did sentence Ted to 30 months, and everyone broke out into tears including Ted. They gave him little time with everyone to say goodbye. Young and the Prosecutor kept talking to the Judge upfront but none of us were paying attention. As they were putting handcuffs and chains on Ted, Young had him come to the defense table to sign some papers and then they took him away. I only found out later that the Prosecutor had released the \$25,000 bond money directly to Young and not the guy who leant it to Ted, Mr. Harvey who had been there.

I hereby affirm the above information is, to the best of my knowledge and recollection, full, true, complete and correct.

Lacey Delismon
Signature

May 21st 2020
Date

Lacey Delismon
Print Name Lacey Delismon

Dhruvi Patel
OFFICIAL SEAL
DHRUMI PATEL
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 10/06/2022
May 21 2020

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Ted E.C. Bulthaup III, *pro se*
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Bolingbrook, IL 60440
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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)	NOW BEING HEARD IN
and)	<u>ARBITRATION COURTROOM 1501</u>
Michael J. Young)	
Defendants.)	
)	

See Attached

William Boyd Harvey 4/21/20
Signature Date

WILLIAM BOYD HARVEY
Print Name

Ted E.C. Bulthaup III, *Pro Se*
72 Bunting Lane
Naperville, IL 60565
(630) 297-6726

SUBSCRIBED AND SWORN BEFORE ME this 21 day of April, 2020



Miguel Feliciano
Notary Public

Sworn Affidavit of William Boyd Harvey

My legal name is William Boyd Harvey and I currently reside at 4 North 760 South Circle Drive, St. Charles, Illinois 60175 in Kane County, Illinois.

I have known Ted Bulthaup since 1975. He dated my daughter and worked for my construction company over the next seven years while attending DePaul University. He has remained good friends with my family ever since. Although they never married, Ted still stops by our home regularly for visits and we would often stop by the businesses he had owned when we were in the neighborhood.

In December 2014 his wife Cheri called me saying the police had arrested Ted from their home that morning and had also frozen their assets. She asked for me to post his \$25,000 bail, which I did the next morning.

I appeared a week later in court to prove where that money had come from. I next appeared in court to testify as to his work ethic and character almost two years later in late October or early November 2016.

I was also present at the hearing on the afternoon of November 12, 2016, testifying in support of Ted as that was supposed to be the decisive day. I had also spoken to Ted that morning by phone about the bond money. Ted wasn't sure and unsuccessfully reached out to his attorney, and then called me back saying I should just get with Young after court to find out what I needed to do.

That afternoon, after Ted gave his closing statement to the court, the Judge went to chambers to consider. I and Ted's other supporters went to the hallway to wait for that decision. Once there, Ted's attorney, Michael Young, took me to the side and we both walked down the hall to speak.

Young proceeded to explain that in Cook County the court does not take the bail money for court costs; but in DuPage County they always seize those funds and he proceeded to tell me the Court would take and keep the \$25,000 I had posted. Young also said he didn't know why the Court kept bail money in DuPage, but not in Cook. I don't know why he was comparing DuPage to Cook, but he was. I was obviously not pleased at this news or that I was just now hearing this news about the \$25,000. Young and I returned to the group still huddled around Ted. I was upset and just left after everyone else went into the courtroom as we had all assumed Ted would get probation. I spoke to a friend of Ted's the next day and she told me what had happened.

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A few days later I went to the DuPage Courthouse with my attorney to try and get those funds released, but without success.

I only found out later the \$25,000 was not taken by the actual Court for fees as Young had told me would happen. The \$25,000 had promptly been released to Michael Young at the request of State's Attorney Anshuman Vaidya right after they took Ted away.

To be clear, Young did not ever disclose that he was getting that \$25,000. Young falsely told me the State would claim that money for court costs, obviously knowing he had a bargain with the State's Attorney to have the court remit those funds directly to himself personally. If I had known the truth, I would never have left the hearing.

I hereby affirm the above information is, to the best of my knowledge and recollection, full, true, complete and correct.

William Boyd Harvey
Signature

April 21 2020
Date

WILLIAM BOYD HARVEY
Print Name William Boyd Harvey

My name is Ken Sullivan and I am a trial attorney with more than 20 years of litigation experience representing both the public and private sectors.

As a Special Assistant Attorney General, I represented the Governor, Secretary of State and other cabinet level and state officials.

I have extensive experience in a wide variety of civil litigation matters including class actions, employment discrimination litigation and constitutional law matters successfully represented business entities of all sizes ranging from individual or family-owned businesses to Fortune 500 companies.

I have brought civil jury trials to verdict, first-chaired multiple bench trials in state and federal courts and regularly represent clients in injunctive and other equitable relief hearings, administrative hearings, arbitrations, and mediations.

Admissions include the Illinois State Bar, the Supreme Court of Illinois, Trial Bar of the Northern District of Illinois, the United States Supreme Court and various U.S. district courts and court of appeals.

I have successfully represented Ted Bulthaup and his companies in numerous civil matters for approximately 13 years. I have come to know him well and we have become friends over that period and would often seek my input on various business and legal matters.

In regard to the criminal proceeding against him. I have read his complaint and I was familiar with some of the issues he described.

Ted had conferred with me from time to time shortly after he was charged in 2014, especially in regard to the actions of the State's Attorney which throughout seemed to be overly aggressive and designed to force him to plead.

As to Young's motion to dismiss, in the late Fall of 2015, Ted first described the State's Attorneys threats of additional charges and later sent me a copy of the letter that threatened charges against his wife.

We spoke in the Spring of 2016 and then met in my conference in Willis Tower. Ted had still wanted to go to trial and seemed to have a good case, but he also wanted to stop the harassment of his wife who knew nothing about the state's allegations. It was an open brainstorming session. Ted's house was in foreclosure, his car had been

repossessed, was broke and he was generally just overwhelmed. Ted was looking for some fresh ideas, new perspectives, what should be done with the state's threats against his wife and to discuss possible defense strategies as Young's only strategy seemed to be continual stalling. Michael Young was not present at this meeting.

Among many topics, Ted was asking about the state's coercion and the plea process. As part of that discussion I went through the entire plea process and explained that after the Judge asked Ted how would plead, he would next ask if he had been promised, threatened or coerced in any way? It was a far ranging discussion. Ted was to meet with Young the next day. Young followed with a phone call to me shortly afterward.

Ted would now plead guilty, but when asked about being threatened, he would respond that yes, he had been coerced. His defense attorney, Michael Young was to step up and share with the court the coercive communications from the state while describing their several other overt acts and unwind the plea. This would introduce the Judge to the state's persistent use of pressure tactics in the belief a Judge must then reject such a plea. The idea was to have the State's Attorney censured or possibly removed for prosecutorial misconduct.

That would also allow Ted to then proceed to trial and introduce the wrongful conduct to the trial jury. Young and Ted had agreed upon that strategy.

A plea hearing was scheduled in DuPage Court for July 6, 2016 and I was surprised when Ted afterward called to tell me what had happened and that the Judge had accepted the plea. My memory of our phone conversation is consistent with what Ted wrote in his Complaint, although I did not know of Young's attempt to then obtain the \$25,000 until much later.

Ted and I would talk periodically over the next few months and I testified in November as one of the many character witnesses before the presiding Judge. I was called a few days later by a family member and was shocked that Ted had been sentenced to hard time.

The next time I saw Ted was the following mid to late Summer 2017 when he just showed up at my office. He had been transferred from a penitentiary to a Chicago work release center and could occasionally get away from his designated job. I would take him to lunch for some real food. While telling me one of his many stories I asked him about

his appeal and that is when we got into substantive conversations about Young. As we got deeper into those discussions, it became clear to me there were breaches of fiduciary duties and other likely instances of malpractice. I suggested Ted review IRDC materials as a primer and start making notes about Young, put his thoughts together and we'd talk some more.

That started Ted's initial investigation and we would talk regularly thereafter. I have first-hand knowledge of when we both realized that Ted had indeed been legally injured and that his injury was wrongfully caused by Young's improper actions. I also remember during this period Ted tried to get Young to release missing records and his work product concerning the underlying case but Young would not cooperate. I would so testify to that time frame.

That would place the commencement of Statute of Limitations under the Discovery Rule as sometime between August and October.

Ted had limited means to investigate the case fully and prepare a complaint. April 28, 2017 was Young's last day of representation. Ted filed the complaint on April 26th, 2019.

Based on my personal knowledge, the commencement date should be considered up to six months after Young ceased to represent Ted as none of Young's conduct was known by Ted to be actual wrongful injuries and actionable malpractice.

I hereby affirm the above information is, to the best of my knowledge and recollection, full, true, complete and correct.

Ken Sullivan by Declaration, May 22, 2020

Signature

Date

My personal contact information is (630) 615-9809
and KMSullivan61@icloud.com