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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

DON C. TROSSMAN,)
)
Plaintiff,)
)
v.)
)
OAK PARK PARTNERS, LTD.,)
and BURNHAM INVESTORS, LTD.,)
)
Defendants.)

No. 95 CH 3430
Transferred to Law Division

Hon. Ronald F. Bartkowicz

THOMAS D. PHILIPSBORN,)
ANDREW I. PHILIPSBORN,)
DANIEL C. BARTOK and)
JOHN J. LYNCH,)
)
Counterplaintiffs,)
)
v.)
)
DON C. TROSSMAN,)
)
Counterdefendant.)



Doc#: 0332139118
Eugene "Gene" Moore Fee: \$28.50
Cook County Recorder of Deeds
Date: 11/17/2003 04:07 PM Pg: 1 of 3

DON C. TROSSMAN,)
)
Counterdefendant.)

DON C. TROSSMAN,)
)
Plaintiff,)
)
v.)
)
THOMAS D. PHILIPSBORN,)
JOHN J. LYNCH, ANDREW PHILIPSBORN,)
DANIEL C. BARTOK, THE PHILIPSBORN)
COMPANY and PHILIPSBORN DEVELOPMENT)
CORP. and CLARION DEVELOPMENT)
LIMITED PARTNERSHIP,)
)
Defendants.)

ORDER

This matter coming before the Court for status and entry of final order, and pursuant to Trossman's Motion for Approval of Supplemental Attorney Fees and Costs and Motion to Voluntarily Dismiss Count VI of Trossman's First Amended Complaint, due notice being given, and the Court having considered the time entries submitted by Trossman pursuant to the October 21, 2003 Order that set forth the attorney fees related to or that potentially related to Counts IV, V and VI of Trossman's First Amended Complaint, which time entries were copied verbatim from the attorney bills submitted with Don C. Trossman's Petition for

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Attorney Fees and Costs, and hearing argument of the parties and otherwise being fully advised in the premises,

IT IS HEREBY ORDERED:

1. Trossman's Motion for Approval of Supplemental Attorney Fees and Costs is granted in the amount of \$39,540.67 and denied in the amount of \$4,080.00, which denied amount reflects the Court's subtraction of fees sought in Trossman's supplemental petition that, as evidenced by the attorney bills attached to the supplemental petition, related to Count VI of Trossman's First Amended Complaint and that related to the attorneys' time in court on the hearing set for October 3, 2003, during which no substantive rulings were made and the Court instead entered and continued the hearing until October 20, 2003;

2. Don C. Trossman's Petition for Attorney Fees and Costs is reduced by the amount of \$37,460.00 as it relates to Counts IV, V and VI of Trossman's First Amended Complaint;

3. Taking into account the amounts set forth in paragraphs 1 and 2, above, and the amounts sought in Trossman's Petition for Attorney Fees and Costs, final judgment is entered for Trossman and against defendants and counterclaimants Thomas D. Phillipsborn, Andrew I. Phillipsborn, Daniel C. Bartok and John J. Lynch, jointly and severally, on Trossman's Petition for Attorney Fees and Costs in the amount of \$447,805.72; post-judgment interest to accrue on said amount at the statutory interest rate of 9% per annum pursuant to 735 ILCS 5/2-1303;

4. Trossman's motion for voluntary dismissal of Count VI of his First Amended Complaint is granted with prejudice, but without prejudice as to Trossman's ability to raise the same allegations set forth in Count VI as an affirmative defense to counterclaimants' counterclaim on the Indemnity and Contribution Agreement in the event an appeal is taken in this cause and the order granting summary judgment in favor of Trossman on the counterclaimants' counterclaim regarding the Indemnity and Contribution Agreement is vacated or reversed;

5. Any pending motions for rehearing filed by Trossman are hereby withdrawn; and

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6. This Order and Final Judgment is final and appealable as to the entire cause of action.

ENTERED:

ENTERED

Honorable Ronald F. Bartkowicz

JUDGE

RONALD F. BARTKOWICZ - 199 A

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I HEREBY CERTIFY THE ABOVE TO BE CORRECT

DATE NOV 17 2003

Dorothy Bureau

CLERK OF THE CIRCUIT COURT OF COOK COUNTY, IL
THIS ORDER IS THE COMMAND OF THE CIRCUIT
COURT AND VIOLATION THEREOF IS SUBJECT TO THE
PENALTY OF THE LAW.

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