

Appeal No. 01-1553  
(Appeal Nos. 01-986, 00-4130 and 01-0342  
Consolidated under Appeal No. 1-00-3253)

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**APPEAL TO THE APPELLATE COURT FOR THE STATE OF ILLINOIS  
FOR THE FIRST DISTRICT**

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**FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT**

**IN THE MATTER OF THE POSSESSION AND )  
CONTROL OF THE COMMISSIONER OF BANKS )  
AND REAL ESTATE OF INDEPENDENT TRUST )  
CORPORATION a/k/a INTRUST, an Illinois )  
corporate fiduciary )**

**No. 00 CH 05905**

**Judge Sidney A. Jones, III  
(retired)**

**THE COMMISSIONER OF BANKS AND REAL )  
ESTATE, PRICEWATERHOUSECOOPERS, LLP, )  
AS RECEIVER OF INDEPENDENT TRUST CORP., )  
a/k/a INTRUST, and MILLENNIUM TRUST )  
COMPANY, LLC, as successor trustee, )  
Appellees, )**

**Judge Sophia H. Hall**

**J. PHILLIP O'BRIEN, INTRUST ACCOUNT )  
HOLDER AND ALL ACCOUNT HOLDERS LISTED )  
HEREIN, parties in interest, )  
Appellants. )**

FILED APPELLATE COURT  
1ST DIST  
2001 MAY 14 PM 4:34  
CLERK OF COURT

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**MOTION FOR PREHEARING CONFERENCE  
PURSUANT TO SUPREME COURT RULE 310**

J. Phillip O'Brien, an account holder of Intrust, by his counsel, and those other Intrust account holders named in the listing attached to this Motion and incorporated herein (collectively, "Account Holders"), by their respective counsel, move this Court, pursuant to Supreme Court Rule 310, for a prehearing conference to consider the simplification of the issues and other matters that may aid in the disposition of the appeal. In support of their Motion, Account Holders state as follows:

1. On May 3, 2001, and as joined by others, Account Holders listed herein filed a

Notice of Appeal under Supreme Court Rule 304(b). The appeal is from certain orders entered on March 1, 2001, and those orders incorporated therein or related to a proceeding to liquidate Independent Trust Company, a/k/a Intrust, an Illinois corporate fiduciary (“Intrust”).

2. On May 9, 2001, the Limited Record was certified by the Clerk of the Chancery Court.

3. Concurrently with this Motion, Account Holders filed a Motion for Accelerated Docket or, in the Alternative, a Stay (“Accelerated Docket Motion”), in order to allow disposition of this appeal prior to the re-distribution of Account Holders’ trust funds from the liquidation of Account Holders’ non-cash trust assets currently held by Millennium Trust Company, as successor trustee.

4. As explained more fully in the Accelerated Docket Motion, concurrently, herewith, Account Holders have prepared and filed with this Court the Limited Record on Appeal and Appellants’ Brief. Account Holders seek a prehearing conference to discuss the due dates for other Appellants’ briefs, Appellees’ Briefs, as well as the likely timing of a hearing and this Court’s decision on the appeal.

5. Because Account Holders have requested an expedited appeal, Account Holders respectfully request that this Court schedule a prehearing conference as soon as possible, preferably before May 21, 2001.

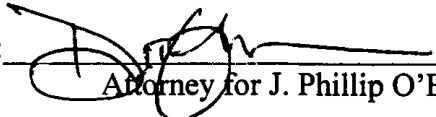
**WHEREFORE**, for the foregoing reasons, Appellant Account Holders respectfully request that this Court grant their Motion and grant such other relief, as this Court deems appropriate.

Dated: May 14, 2001

SEE ATTACHED LIST OF APPELLANTS AND THEIR RESPECTIVE COUNSEL

Respectfully submitted,  
Appellant, J. PHILLIP O'BRIEN, an Intrust  
account holder

Daniel T. Graham, Esq.  
Kathryn L. Penrose, Esq.  
Levin & Funkhouser, Ltd.  
55 West Monroe Street, Ste. 2410  
Chicago, Illinois 60603  
Telephone: (312) 701-6848  
Facsimile: (312) 701-6801  
Firm Id. No. 11961

By:   
Attorney for J. Phillip O'Brien

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fiduciary )	Judge Sidney A. Jones, III (retired)
)	
THE COMMISSIONER OF BANKS AND REAL )	
ESTATE, PRICEWATERHOUSECOOPERS, LLP, AS )	Judge Sophia H. Hall
RECEIVER OF INDEPENDENT TRUST CORP., a/k/a )	
INTRUST, and MILLENNIUM TRUST COMPANY, LLC, )	
as successor trustee, )	
Appellees, )	
)	
J. PHILLIP O'BRIEN, INTRUST ACCOUNT HOLDER )	
AND ALL ACCOUNT HOLDERS LISTED HEREIN, )	
parties in interest, )	
Appellants. )	

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**ORDER**

This cause coming to be heard on Appellants' Motion For Prehearing Conference Pursuant To Supreme Court Rule 310, it is hereby ordered that the Appellants' Motion is (granted and a hearing is scheduled for May \_\_, 2001 at \_\_\_\_ m.) (denied).

\_\_\_\_\_  
Justice

\_\_\_\_\_  
Justice

\_\_\_\_\_  
Justice

**ORDERED PREPARED BY:**

Name Daniel T. Graham  
Firm Levin & Funkhouser, Ltd.  
Attorney for Phillip J. O'Brien, et al.  
Address 55 West Monroe Street, Ste. 2410  
City/State Chicago, IL 60603  
Telephone 312-701-6800  
Firm ID #11961