

STATE OF MICHIGAN
6TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF OAKLAND

JAMES GALEN, JR. and
CINDY JAKUBISZEN,

v

Circuit No.: 2026-SC0061-SC

RICHARD W. GOODMAN and
ANTHONY FORLINI,

Defendant.

_____ /

MOTION

BEFORE THE HONORABLE MARTHA D. ANDERSON, CIRCUIT COURT JUDGE

Pontiac, Michigan - Wednesday, August 19, 2026

APPEARANCES:

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Additional Appearances: **JAMES GALEN, JR.**

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TABLE OF CONTENTS

<u>WITNESSES:</u>	<u>PLAINTIFF</u>	<u>PAGE</u>
-------------------	------------------	-------------

None

<u>WITNESSES:</u>	<u>DEFENDANT</u>
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None

OTHER MATERIAL IN TRANSCRIPT

None

<u>EXHIBITS:</u>	<u>INTRODUCED</u>	<u>ADMITTED</u>
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None

1 Pontiac, Michigan

2 Wednesday, August 19, 2026 - 8:39:06 a.m.

3 THE CLERK: Your Honor calling Number 9 on
4 the call, Galen versus Goodman. Case Number 2026-SC0061-SC.

5 THE COURT: Good morning, Counselors. Place
6 your appearances on the record, please.

7 MS. BADALAMENTI: Good morning, Your Honor.
8 Raechel Badalamenti on behalf of the plaintiff's.

9 MR. RICHARD J. GOODMAN: Good morning.
10 Richard J. Goodman appearing on behalf of the defendant,
11 Richard Goodman.

12 MS. ZAPPITELL: Molly Zappitell, on behalf of
13 -- Anthony Forlini, Macomb County Clerk.

14 MR. DOSTER: And Eric Doster appearing on
15 behalf of defendant, Richard Goodman.

16 THE COURT: All right.

17 So, the last time you were here, certain
18 things were put forth that were supposed to be done for
19 today. And I see that the plaintiff has filed a motion to
20 -- to amend. So, I do want to -- I do want to deal with the
21 -- with the show cause, though, with respect to the writ of
22 mandamus.

23 Now, it's my understanding that as far as the
24 Macomb County Clerk, you are agreeing or stipulating to
25 dismiss?

1 MS. BADALAMENTI: Yes. We -- (multiple
2 speakers) --

3 MS. ZAPPITELL: Yes --

4 MS. BADALAMENTI: Yes. We have stipulated to
5 dismiss. Yes.

6 MS. ZAPPITELL: Yes, Your Honor, on behalf --
7 we're not the right party, as we indicated in our prior
8 motion.

9 THE COURT: Yes.

10 Okay. So, at this time, the -- the Court --
11 there seems to be an issue with filings done by -- though I
12 did get the motion to adjourn, and the motion to adjourn --
13 excuse me -- the motion to amend, and I did get the answer
14 from defendant Goodman to that. But there have been contact
15 with my chambers about other things being filed -- the
16 stipulation, which was never received by -- by us.

17 So, I -- I -- I don't know what's -- what the
18 issue is with respect to certain filings being done
19 correctly and others that are not, but just wanted to place
20 that on the record.

21 But I do want to deal with the -- with the
22 show cause. So as far as defendant Macomb County Clerk is
23 concerned, the Court is going to dismiss him from the
24 lawsuit because, as I indicated last time, he isn't the
25 proper party to -- to have been named as a defendant. So,

1 let's get a stipulated order dismissing him in today,
2 because if it isn't received today then the Court's going to
3 just do its own order dismissing him from the case. Okay.

4 MS. BADALAMENTI: Yes. We do have a
5 stipulated order. I'm not sure why you didn't receive it,
6 but I will make sure my staff gets it properly over.

7 THE COURT: Okay. All right.

8 So I guess you're all done, Ms. Zappitell.
9 You're -- you're muted but that's fine.

10 MS. ZAPPITELL: Thank you, Judge. And do you
11 mind if I hang out just to see how it goes today?

12 THE COURT: Oh, I don't mind.

13 MS. ZAPPITELL: Okay. Thank you.

14 THE COURT: I just didn't want you to -- if
15 you didn't want to stick around you didn't have to. Okay.

16 MS. ZAPPITELL: Okay. Well, thank you. I
17 will, though. Thank you.

18 THE COURT: Okay. No problem.

19 All right. So, let's move on with respect to
20 the order to show cause as it relates to defendant Goodman.

21 MR. DOSTER: Your Honor -- (multiple
22 speakers) --

23 THE COURT: And, you know -- go ahead, Mr.
24 Doster.

25 MR. DOSTER: Your Honor, thank you.

1 Eric Doster on behalf of Richard Goodman.
2 Shouldn't we go to plaintiff's motion for leave to amend,
3 because right now the only defendant in the case is Richard
4 Goodman.

5 THE COURT: Well, we can proceed -- (multiple
6 speakers) --

7 MR. DOSTER: It was a private -- it was a
8 private -- it was -- it -- you can't do mandamus against Mr.
9 Goodman.

10 THE COURT: Yes. I -- (multiple speakers) --

11 MR. DOSTER: So, Your Honor, if we've got to
12 do that it's going to be a short motion.

13 MS. BADALAMENTI: Right. So Judge with
14 respect to the motion for leave to amend we're asking for an
15 adjournment for a week. We think that there is a way to
16 dispose of this case after talking with the office of Ms.
17 Benson, Secretary of State. So we -- we do not want the
18 Court to rule on the motion for leave to amend today. We
19 are asking to adjourn that by the time we got that request
20 into your staff yesterday it was past noon. And so we were
21 unable to adjourn on short notice for the Court, but we are
22 asking to renote the motion out for a week. So we have
23 preserved the issue. But we do expect that the case will be
24 resolved before we actually come to hearing on that.

25 THE COURT: Okay. Well, let me put it to you

1 this way, Ms. Badalamenti. Whatever your discussions have
2 been with whomever from the Secretary of State's Office --
3 that's all well and good. But as it stands right now, you
4 know, there's no basis to keep Mr. Goodman in on -- on this
5 case, period. He is a private citizen. Your request for
6 man -- was for mandamus can't do mandamus against a private
7 citizen. So your case would be dismissed.

8 As it relates to your request to amend your
9 complaint at, you know, I guess I was thinking about this as
10 I was reviewing everything yesterday, I guess I could grant
11 it. But at that point, I would have to say that the Court
12 doesn't have jurisdiction, and you'd have to have transfer
13 the case to the Court of Claims.

14 MS. BADALAMENTI: And I -- I think you're
15 right, Judge. And that -- that's why we're expecting fully
16 that the case would be resolved in your Court by next week.
17 So we are working towards that.

18 MR. RICHARD J. GOODMAN: I -- Judge, if I may
19 interject, I -- I'd ask counsel to explain how that is going
20 to be resolved, if the Secretary of State intends to -- to
21 admit that they're a party and stipulate to -- or whatever
22 intervene in the case or become party, the case would
23 automatically have to go to the Court of Claims. So, how
24 would that be resolving the matter next week?

25 MS. BADALAMENTI: No. The -- the resolution

1 what we expect will be a dismissal of this case. I'm just
2 not prepared to do that yet. But I do expect that Mr.
3 Goodman will not be in the case the case will be resolved,
4 and in lieu of a Notice of Transfer which is what would
5 occur and there would be a time delay with all that, in lieu
6 of doing it that way. We have been in discussion with their
7 office and, you know, feeling procedurally there's a better
8 way for us to handle it.

9 So I do expect that the case will be
10 "resolved" is maybe not the best word -- dismissed by next
11 week. And so I -- I would like to put these motions off for
12 a week, so that I can accomplish that for my clients. And
13 that's the request today.

14 MR. RICHARD J. GOODMAN: Well, Judge, if --
15 if I might briefly respond. If their intent is to dismiss
16 the case here in -- in the Circuit Court, then just let them
17 agree to admit -- dismiss it. If their plan is to transfer
18 the case, we would certainly oppose transfer. Number one,
19 we would require that they file a motion to transfer.
20 Transfer is not automatic. It's discretionary with the
21 Court that's pursuant to the court rule. And I have case
22 authority saying that your Court has the option. Your Honor
23 could refuse to transfer, deny the transfer, and dismiss the
24 case.

25 And although the, you know, their opportunity

1 to amend as they say it's a liberal amendment policy.
2 They've had the opportunity to amend their case anytime over
3 the last three months, but they didn't. The counsel
4 admitted that the last hearing that based upon her years of
5 experience, she knew and they knew that they were filing in
6 the wrong court against the wrong parties.

7 And -- and they know that defendant Goodman
8 has lived in Eastpointe. This whole time, they've had them
9 under surveillance for the last five months. And they know
10 and they've never brought up the fact that all this time
11 they've had them under surveillance, and they know he lives
12 there. I think the whole procedure here this whole antics
13 about amending and transferring. It's all done in bad
14 faith, and it's cost him a lot of money.

15 THE COURT: All right.

16 Irrespective of whether I adjourn or not.
17 The fact of the matter remains that defendant Goodman should
18 not have been named as a defendant in the original case, and
19 should not be named as a defendant in the subsequent. If I
20 allow a motion to amend in that case, because the issue is
21 between the plaintiff and the Secretary of State's office.
22 So, I guess what I'm saying, and I'll get right down to it
23 is that I don't -- I don't see a need to adjourn anything.

24 I am going to dismiss defendant Goodman from
25 this lawsuit. I will allow you to amend your complaint but

1 only after removing defendant Goodman as a defendant. You
2 may -- you may file your motion -- I mean, you may file your
3 amended complaint, at which time this Court will transfer
4 the matter to the Court of Claims.

5 MS. BADALAMENTI: Understood, Judge.

6 THE COURT: Very well.

7 MR. RICHARD J. GOODMAN: Judge, one final
8 matter though, it -- under the -- based upon what's
9 happened, we'd asked for attorney fees and costs to be
10 assessed. They -- like I said they had three, four months
11 to amend their complaint. They did not. They've continued
12 to require responses by the defendant it's -- it's all
13 resulted in attorney fees. We'd ask that they be assessed
14 attorney fees and costs.

15 THE COURT: All right. Well I'm not going to
16 do that. So, let's put an end to this situation. And let
17 the proper parties and the proper court deal with the --
18 with the issue.

19 So, orders need to be done.

20 MS. BADALAMENTI: Yes, Judge. We will get
21 them in.

22 MR. RICHARD J. GOODMAN: I -- Judge, I don't
23 mean to beat a dead horse, but I would just add that under
24 MCR 2.227, the transfer rule. It -- it does say that if the
25 case is the Court grants the -- the transfer that the Court

1 shall assess attorney fees and costs against the delaying
2 party.

3 THE COURT: All right. Well, I will take a
4 look at the -- at the -- what part was that again, please?

5 MR. RICHARD J. GOODMAN: It's -- just
6 transfer rule, that's -- (multiple speakers) --

7 MR. DOSTER: Your -- Your Honor --

8 MR. RICHARD J. GOODMAN: -- 2.227 --

9 MR. DOSTER: To point --

10 MR. RICHARD J. GOODMAN: -- (A) (1).

11 THE COURT: I'm sorry. Two people are
12 speaking at the same time.

13 MR. RICHARD J. GOODMAN: Oh. I'm sorry. Go
14 ahead, Mr. Doster.

15 MR. DOSTER: Yeah, I'm sorry. I just happen
16 to have it in front of me.

17 It's -- Your Honor it's MCR 2.227 sub a
18 capital A sub 2. And that's what Mr Goodman is referring
19 to.

20 MR. RICHARD J. GOODMAN: So, a reason I see
21 that, Judge, is that they're -- they're avoiding the award
22 (indiscernible) attorney fees by getting us out before the
23 transfer, but the effect of the cost on the defendant is
24 already -- he's already been affected significantly by the
25 cost. So they're -- actually if you were to transfer the

1 case the court rule requires -- it doesn't say you have the
2 discretion -- it requires that you assess attorney fees and
3 costs against the -- the moving party.

4 So they're basically they're avoiding the
5 assessment of cost by getting us out, and then transferring
6 it. So I'd ask the Court to consider that assessing
7 attorney fees. If we were still a party, the Court -- the -
8 - the Court would be required to assess attorney fees. So
9 I'd ask the Court to reconsider that.

10 THE COURT: All right. Well, I am looking at
11 the court rule 2.227. Correct?

12 MR. RICHARD J. GOODMAN: Yes.

13 THE COURT: A. There's no sub to under A.

14 MR. DOSTER: Oh, hold on. Hold on.

15 THE COURT: And I have the 2026 version of
16 the court rules.

17 MR. DOSTER: Maybe I have a prior version
18 here. Sorry, Your Honor. Let me go to the --

19 Richard, if you could give the proper cite
20 that apparently I bungled.

21 MR. RICHARD J. GOODMAN: (indiscernible) with
22 me. Just a minute, I have it right here.

23 All right. Judge, I believe it's subsection
24 (C)(1). Under the most recent rules. And -- and I'm sorry,
25 Judge, apparently they -- they have changed the rule.

1 THE COURT: It says "may" not "shall." --
2 (multiple speakers) --

3 MR. RICHARD J. GOODMAN: It does not say --
4 it does say "may."

5 THE COURT: Yes.

6 MR. RICHARD J. GOODMAN: I was operating
7 under wrong (indiscernible) -- (multiple speakers) --

8 MR. DOSTER: Me, too.

9 THE COURT: Okay. Anyways --

10 MR. RICHARD J. GOODMAN: It does say "may."

11 THE COURT: Yes, it does.

12 MR. RICHARD J. GOODMAN: But that's okay. I
13 -- I'd ask the Court to consider the bad faith, and the
14 extent that they (indiscernible) -- (multiple speakers) --

15 THE COURT: Okay. Well, you know what, Mr.
16 Goodman. You can file a motion with the Court, seeking
17 attorney fees and make your arguments and lay out the law.
18 But at this time, I'm not going to order any attorney fees
19 to be paid.

20 MR. RICHARD J. GOODMAN: Understood, Your
21 Honor.

22 THE COURT: All right.

23 So let's get the order in place. Both the
24 Macomb County Clerk and Mr. Goodman are dismissed. You may
25 file your amended complaint, if you wish to do it in this

1 Court, which case if I -- if you do, do it in this Court I
2 will transfer to the Court of Claims. Or you can just act
3 accordingly and file your law -- work with the Secretary of
4 State. And if need be, file a lawsuit with the proper court
5 having jurisdiction over the matter.

6 MS. BADALAMENTI: Yes, Judge.

7 THE COURT: Thank you.

8 MR. DOSTER: Thanks again, Your Honor.

9 MR. RICHARD J. GOODMAN: Judge, how long do
10 they have till they can amend their complaint?

11 THE COURT: Well, since they basically have
12 it done, they can have until Friday to get it filed in this
13 court. Now if they -- if they decide not to move forward
14 with amending it in this court, then they're to withdraw
15 their motion to amend.

16 MS. BADALAMENTI: Thank you, Judge.

17 THE COURT: Understood?

18 MS. BADALAMENTI: Yes.

19 MR. DOSTER: Yes.

20 MR. RICHARD J. GOODMAN: Thank you.

21 MR. DOSTER: Thank you, Your Honor.

22 THE COURT: Thank you.

23 (At 8:58:07 a.m., hearing concluded.)

CERTIFICATION

This is to certify that the attached electronically recorded proceeding, consisting of 16 pages, before the 6th Judicial Circuit Court, Oakland County, Michigan:

JAMES GALEN, JR. and
CINDY JAKUBISZEN,

v

RICHARD W. GOODMAN and
ANTHONY FORLINI,

_____/

Location: Circuit Court

Date: Wednesday, August 19, 2026

was held as herein appeared and that this is testimony from the original transcript of the electronic recording thereof, to the best of my ability.

I further state that I assume no responsibility for any events that occurred during the above proceedings or any inaudible responses by any party or parties that are not discernible on the electronic recording of the proceedings.

_____/s/ *Jessie Serbay*

Jessie Serbay, CER #16603
Michigan Certified Electronic Recorder

Dated: September 17, 2026

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