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From : "T Kost"

To : "Paul Dulberg" , "Alphonse Talarico"

Subject : Legal definition of "contract" related to ADR

It appears that when discussing "contract" and "2 contracts" neither we nor the Judge are being legally precise in our words.

Illinois legal definition of contract explained here:

<https://www.quinnemanuel.com/media/ppel53v0/contract-basics-for-litigators-illinois-w-022-7463.pdf>

Using business language the difference between a "contract" and a "proposal" is explained here:

<https://www.pandadoc.com/blog/proposal-vs-contract/>

Using the meanings above, what the Judge calls an "unsigned contract" is not a contract at all. And what Mr Talarico calls "2 contracts" are not actually 2 contracts. The unsigned document that Joe Olsen presented to the BK Judge on October 30, 2016 is not an actual contract. It was MISREPRESENTED by Olsen as a type of "unsigned contract" but this is not legally true.

What we call an "unsigned contract" is in reality a type of proposal which Olsen intentionally misrepresented to the Judge as an agreed upon document.

What we call a "signed contract" is in reality the original proposal papers rearranged with signatures added and altered clauses. There is no "second contract" because there was no "first contract". Therefore the term "2 contracts" seems to have no legal meaning and it creates unnecessary confusion. The term "unsigned contract" also creates an unnecessary confusion.

From this point of view Olsen actually presented a proposal which Dulberg disagreed with to the BK Judge as Dulberg agreed with it. This is intentional misrepresentation of a proposal which makes it look as a type of 'contract' (fraud #1). Then later, certain pages of this same proposal appear rearranged from the original proposal with the same signature page but this time it included signatures (fraud #2).

Fraud #1: Olsen INTENTIONALLY MISREPRESENTS ADR unsigned proposal to BK Judge as if Dulberg agrees to the terms of the proposal (as a type of "contract")

Fraud #2: Original proposal documents later appear as altered and with signatures included (to look like a valid "contract").