

No. 1-11-2568

**NOTICE:** This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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JOHN N. DORE,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 10 M1 205320
	)	
EXOTIC MOTORS, INC.,	)	Honorable
	)	Rhoda D. Sweeney,
Defendant-Appellee.	)	Judge Presiding.

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JUSTICE HALL delivered the judgment of the court.  
Justices GARCIA and ROBERT E. GORDON concurred in the judgment.

**ORDER**

¶ 1 *Held:* Plaintiff's appeal dismissed where plaintiff failed to file a timely motion for a new trial, rendering his subsequent notice of appeal untimely and depriving this court of jurisdiction to hear the appeal.

¶ 2 Plaintiff John N. Dore appeals from an order of the circuit court of Cook County finding for defendant Exotic Motors, Incorporated in plaintiff's action in *quantum meruit*. Plaintiff alleges that the trial court erroneously determined that an action in *quantum meruit* requires that there be a contract between the parties.

¶ 3 Plaintiff is an attorney who has proceeded *pro se* in this cause both at trial and on appeal. In his complaint, plaintiff alleged that he was entitled to attorney fees for work he performed for defendant at the behest of defendant's trial attorney. Plaintiff sought attorney fees in the amount of \$8,000. At the bench trial, plaintiff testified that attorney Mitchell Asher asked him to aid in defending defendant in two lawsuits filed against it for defects in used cars which it sold. Plaintiff testified that he performed extensive research in preparation for trial of these lawsuits. One case proceeded to an arbitration hearing where plaintiff first informed defendant's general manager that plaintiff would be representing defendant at that hearing in place of Asher. Plaintiff asserted that the general manager acquiesced in this representation. According to plaintiff, he worked on these cases for a total of 17 hours and 20 minutes. Defendant presented the testimony of its general manager, who asserted that plaintiff had never worked with him on this case. Defendant's CEO testified that he had never even met plaintiff and had not engaged him to represent defendant. At the conclusion of the evidence, the trial court found for defendant.

¶ 4 On appeal, plaintiff contends that the trial court found for defendant because the court erroneously believed that plaintiff was required to have a contract with defendant in order to recover in *quantum meruit*.

¶ 5 Before reaching the merits of this case, we must resolve defendant's claim that we do not have jurisdiction to hear this appeal because plaintiff did not file a timely post-trial motion. The trial court entered judgment for defendant on May 12, 2011. Plaintiff then filed his post-trial motion for a new trial on June 14, 2011. Although plaintiff asserts that this motion was filed on June 5, 2011, the time stamps on this motion and on the notice of motion which accompanied it clearly state the filing date as June 14, 2011. This motion was denied on August 1, 2011 and plaintiff filed his notice of appeal on September 1, 2011.

¶ 6 We concur with defendant's assertion that plaintiff's post-trial motion was not timely, as it was filed 33 days after the entry of judgment for defendant. Under Supreme Court Rule 303(a)(1) (eff. June 4, 2008), the notice of appeal from a final judgment must be filed within 30 days of the entry of the judgment, or within 30 days of the denial of a timely motion directed against the judgment. An untimely notice of appeal deprives the reviewing court of jurisdiction. *Mitchell v. Fiat-Allis*, 158 Ill. 2d 143, 149-50 (1994); *In re Marriage of Singel*, 373 Ill. App. 3d 554, 556 (2007). Plaintiff's post-trial motion was untimely because he did not file it within 30 days of the entry of the final judgment. Therefore his post-trial motion did not extend the time within which he had to file his notice of appeal and he had to file that notice of appeal within 30 days of the entry of the final judgment. But plaintiff did not file his notice of appeal until September 1, 2011, well after the 30-day deadline from the May 12, 2011 entry of the final judgment. We therefore have no jurisdiction to hear this appeal and must dismiss it.

¶ 7 Plaintiff's appeal is dismissed for lack of jurisdiction.

¶ 8 Dismissed.