

2013 IL App (1st) 133557-U

No. 1-13-3557

FIFTH DIVISION  
SEPTEMBER 12, 2014

**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).

---

IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST DISTRICT

---

LUCILLE RUSSELL,	)	
	)	Appeal from the Circuit Court
Plaintiff-Appellant,	)	of Cook County.
	)	
v.	)	No. 05 CH 7651
	)	
THE BOARD OF EDUCATION OF THE	)	
CITY OF CHICAGO,	)	The Honorable
	)	Rita M. Novak,
Defendant-Appellee.	)	Judge, presiding.

---

JUSTICE GORDON delivered the judgment of the court.  
Presiding Justice Palmer and Justice Taylor concurred in the judgment.

**ORDER**

¶ 1 *Held:* We affirm the trial court's order dismissing for lack of jurisdiction based upon plaintiff's *pro se* motion asking the trial court to reconsider the

damages amount of an award in her favor which was affirmed by an order of the appellate almost five years earlier.

¶ 2 This is the third untimely attempt by plaintiff Lucille Russell to contest this court's October 23, 2009, Rule 23 order affirming a \$338,606.58 judgment against defendant Board of Education of the City of Chicago (the Board). *Russell v. Board of Education of City of Chicago*, Nos. 1-08-3221, 1-08-3473, cons. (2009) (unpublished order pursuant to Supreme Court Rule 23). Russell claims that this judgment did not award her all the back pay to which she was entitled.

¶ 3 The subject of this appeal is the trial court's denial of Russell's March 29, 2013, unsigned motion which alleged: "The Chicago Board of Education *did not* obey the Mandate from the Supreme Court – *Back pay* See Memo – I worked for the Board of Education 29 years – *not* 27 ys. They refused to give me all back-pay." (Emphases in original.)

¶ 4 Despite the claims in Russell's motion, the Illinois Supreme Court did not "mandate" any action from the Board. The only order issued by the supreme court in the case at bar was its February 27, 2013, order denying Russell's petition for a supervisory order. In addition, in our October 30, 2009, order, we found that Russell had worked for 22 years at the time of her discharge and we rejected "her contention that the circuit court incorrectly determined her back

pay award." *Russell v. Board of Education of City of Chicago*, Nos. 1-08-3221, 1-08-3473, cons., at 3, 17. For the following reasons, we affirm.

¶ 5 BACKGROUND

¶ 6 The Board terminated the employment of Lucile Russell, a tenured teacher, in March 2005. *Russell v. Board of Education of City of Chicago*, 379 Ill. App. 3d 38, 42 (2008). This court reversed the Board's decision, ordered the Board to reinstate her employment and remanded the case to the trial court to determine damages and restore her benefits. *Russell*, 379 Ill. App. 3d at 50.

¶ 7 On remand, the trial court entered judgment in favor of Russell and against the Board for \$338,606.58, which included back pay, court costs and interest. The trial court ordered the Board to deduct \$9,922.50 from that judgment to satisfy the lien of Russell's attorney, whom the Board paid on January 28, 2009.

¶ 8 Russell then appealed the denial of her claim for punitive damages and for emotional distress, and the Board appealed the judgment against it. This court consolidated both appeals and affirmed the trial court's award and judgment on October 30, 2009. *Russell*, Nos. 1-08-3221, 1-08-3473, cons. It is this order which Russell now contests.

¶ 9 Russell chose not to file a petition for leave to appeal to the supreme court, and our October 30, 2009, order, filed pursuant to Rule 23, became final.

On December 16, 2009, the Board reinstated Russell, and restored her sick and vacation days. The Board paid her a total amount of \$332,957.08, which included back salary with interest and court costs. On June 30, 2011, Russell retired.

¶ 10 After her retirement and more than two years after this court's decision, Russell made her first untimely attempt to contest this court's order affirming the trial court's award, by filing in this court a motion to file a late notice of appeal on December 19, 2011. The notice did not specify the order that she was appealing. On January 12, 2012, this court denied the motion and, on April 27, 2012, we denied her petition for rehearing.

¶ 11 Almost a year later, Russell made her second untimely attempt to contest this court's order, by filing on January 30, 2013, a motion for a supervisory order with the supreme court. This motion claimed that the Board had miscalculated her back pay and asked for punitive damages. The supreme court denied her motion on February 27, 2013.

¶ 12 On March 29, 2013, Russell made her third untimely attempt, which is the subject of this appeal, by filing a motion in the trial court asking for: "Corrected years of services as Mandated by the Supreme Court – Back-Pay etc." The trial court denied Russell's motion on November 12, 2013, for lack of jurisdiction, and Russell filed this appeal on the same day.

¶ 13

## ANALYSIS

¶ 14

As we observed above, this is Russell's third untimely attempt to contest this court's October 30, 2009, Rule 23 order affirming her award of \$338,606.58 against the Board. As noted above, Russell chose not to file a petition with the supreme court seeking leave to appeal our Rule 23 order and, thus, that order became final.

¶ 15

Russell appeals the trial court's denial of her March 29, 2013, unsigned motion which claimed: "The Chicago Board of Education *did not* obey the Mandate from the Supreme Court – *Back pay* See Memo – I worked for the Board of Education 29 years – *not 27* ys. They refused to give me all back-pay." (Emphases in original.)

¶ 16

As we observed above, the claims asserted in this motion are incorrect. The Illinois Supreme Court did not "mandate" any action from the Board, and this court previously found that Russell had worked for 22 years at the time of her discharge when we rejected "her contention that the circuit court incorrectly determined her back pay award." *Russell*, Nos. 1-08-3221, 1-08-3473, cons., at 3, 17.

¶ 17

The trial court dismissed Russell's present motion on the ground that it lacked jurisdiction. Russell's appellate brief does not offer any grounds or reasons why the trial court would have jurisdiction to reconsider an order of the

appellate court. Russell does not assert that any facts have changed since our last order. In fact, for Russell's brief, she simply placed a new *pro se* cover on top of her previously submitted appellate brief.

¶ 18 The law-of-the-case doctrine prohibits reconsideration of issues which have been decided by a reviewing court in a prior appeal. *In re Christopher K.*, 217 Ill. 2d 348, 365 (2005). If there have been no material changes in the facts since the prior appeal, such issues may not be relitigated in the trial court or re-examined in a second appeal. *In re Christopher K.*, 217 Ill. 2d at 365. Since Russell does not claim that there have been any changes in the facts since our last order in her case, and since she offers no reason, argument or case authority why a trial court would have jurisdiction to review an order of this court, we have no choice but to affirm the trial court's dismissal.

¶ 19 CONCLUSION

¶ 20 For the foregoing reasons, we affirm the trial court's dismissal for lack of jurisdiction.

¶ 21 Affirmed.