

No. 1-13-3249

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 JUDICIAL DISTRICT

HENRY B. SPRINGS,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 12 M1 130446
)	
WORLD LEADERZ INC.,)	Honorable
)	Jessica A. O'Brien,
Defendant-Appellee.)	Judge Presiding.

PRESIDING JUSTICE DELORT delivered the judgment of the court.
Justices Cunningham and Harris concurred in the judgment.

ORDER

- ¶ 1 **Held:** Appeal dismissed for lack of jurisdiction where plaintiff failed to file notice of appeal within 30 days of the circuit court’s denial of first post-judgment motion.
- ¶ 2 Judges are all too familiar with the tendency of defendants who lose a case either by trial or dispositive motion to return to the court over and over, valiantly trying to present “new evidence” or additional arguments which they failed to present the first time around. This conduct is often exhibited by *pro se* defendants caught unaware of the complexities of the legal process and who may be unfamiliar with the rules establishing the finality of judicial procedures. What they fail to understand is that, at a certain point in all litigation, the parties are held to their proofs

and the court must make a decision based on the record established up to that time. Parties are entitled to one trial, not to a practice trial followed by several “make up” trials. Court rules provide very narrow avenues through which a dissatisfied party can reopen proofs, and so many defendants end up regretting their failure to present their full, or best, defenses in the first instance. This case presents an unusual twist on that pattern. Here, a *pro se* plaintiff actually won at trial, but he nonetheless tried to get three more bites at the apple by filing successive motions for reconsideration, requesting to add additional damages to his award. As we explain, this tactic has backfired on him because he has forfeited his right to appeal.

¶ 3 Plaintiff Henry B. Springs appeals *pro se* from the circuit court’s denial of his third motion to reconsider the court’s 2013 judgment ordering defendant World Leaderz Inc. to pay damages for breach of contract. On appeal, Springs contends the circuit court should have allowed him to present additional evidence of his damages.

¶ 4 On May 21, 2012, Springs filed a *pro se* complaint alleging that in March 2009, he entered into a contract with an agent of World Leaderz Inc., to research and create content for the Worldleaderz.com website, specifically pertaining to a series of collectible trading cards. Under the agreement, Springs was to receive hourly pay and stock options with an initial value of \$5,595.93. He alleged he was not paid for 493 hours of work, totalling \$11,285 in wages, and that the fulfillment of the contract was not dependent on the successful launch of the business venture.

¶ 5 In an amended complaint filed October 4, 2012, Springs alleged he was sent a contract by e-mail on March 10, 2009, after Springs responded to a Craigslist classified ad from World Leaderz Inc., seeking writers. The complaint alleged Springs was to provide work for World Leaderz Inc., until July 31, 2009, but that his work was terminated on June 17, 2009.

¶ 6 World Leaderz Inc. disputed the existence of a signed contract between the parties. On June 26, 2013, the circuit court held a bench trial and entered judgment in favor of Springs in the

amount of \$9,314.83 “with costs assessed.” That order essentially terminated the case. The record does not include a transcript of the trial or an acceptable substitute for the transcript.

¶ 7 Springs filed three motions for reconsideration of that judgment. The first motion, filed on July 15, 2013, stated:

“Plaintiff seeks an additional appearance to present evidence of additional legal costs, attorney fees, an increase in wages promised and wages earned as well as new valuations for the proposed value of World Leaderz at the time of the contract, worked produced [*sic*] and current value of the company as it relates to work performed by Plaintiff.”

The circuit court denied that motion on July 26, 2013.

¶ 8 On August 20, 2013, Springs filed a second motion, asserting that at the time of the judgment, he lacked the documentation of the increase in his wages and “related additional costs” and that he also incurred additional attorney fees. The circuit court denied that motion on August 30, 2013, stating in a written order that “[a]dditional costs existed on trial date and are not new evidence to change judgment amount.”

¶ 9 Springs filed a third motion for reconsideration on September 20, 2013, again asking to present proof of additional damages. The circuit court denied that motion on October 3, 2013, and ordered that no further motions be filed. Springs filed a notice of appeal in this court on October 15, 2013.

¶ 10 A reviewing court has an independent duty to consider its own jurisdiction, whether or not the parties have raised it as an issue, before proceeding to the merits of the case. *In re Marriage of Sheth*, 2014 IL App (1st) 132611, ¶ 20. When jurisdiction is lacking, the court must dismiss the appeal on its own motion. *Uesco Industries, Inc. v. Poolman of Wisconsin, Inc.*, 2013 IL App

(1st) 112566, ¶ 73. Here, it is necessary to determine whether Springs' notice of appeal was timely filed, even though neither party has raised that point.

¶ 11 To seek review of the circuit court's award of damages at trial in this court, Springs was required to file a notice of appeal from the court's denial of his first post-judgment motion on July 26, 2013. When that motion was denied, the 30-day time period for filing a notice of appeal began to run. Ill. S. Ct. Rule 303(a)(1) (eff. June 4, 2008); *Dus v. Provena St. Mary's Hospital*, 2012 IL App (3d) 091064, ¶¶ 16-17.

¶ 12 However, instead of filing a notice of appeal, Springs filed, and the circuit court ruled upon, two successive post-judgment motions raising the same arguments presented in his initial request for reconsideration. A party may only file one post-judgment motion directed at a judgment. See Supreme Court Rule 274 (eff. Jan 1, 2006); *Sears v. Sears*, 85 Ill. 2d 253, 258-59 (1981) (a second post-judgment motion is not authorized by statute or Supreme Court rule and must be denied). Circuit courts have no authority to hear successive post-judgment motions. *Won v. Grant Park 2, LLC*, 2013 IL App (1st) 122523, ¶ 34. See also *Benet Realty Corp. v. Lisle Savings & Loan Ass'n*, 175 Ill. App. 3d 227, 231-32 (1988) (the filing of a second post-judgment motion that merely repeats arguments made in the first motion is not a "timely" post-trial motion under Rule 303(a)(1) and does not extend the time for the filing of a notice of appeal).

¶ 13 The second and third motion to reconsider filed in this case were improperly considered and ruled upon by the circuit court. See *Dus*, 2012 IL App (3d) 091064, ¶¶ 16-17. After those successive motions were denied, Springs filed a notice of appeal in this court on October 15, 2013. Because that notice of appeal was not timely, this court lacks jurisdiction in this case and is required to dismiss Springs' appeal.

¶ 14 Moreover, the fact that Springs chose to represent himself in this matter instead of retaining legal counsel is unavailing. "Pro se litigants are presumed to have full knowledge of

applicable court rules and procedures and must comply with the same rules and procedures as would be required of litigants represented by attorneys.” *In re Estate of Pellico*, 394 Ill. App. 3d 1052, 1067 (2009).

¶ 15 Here, on July 26, 2013, the circuit court entered a final and appealable order when it denied Springs’ first motion to reconsider the judgment. On that date, the court lost authority to entertain any successive post-judgment motions, and the time period for filing a notice of appeal began. Accordingly, the notice of appeal Springs filed on October 15, 2013, was not timely and did not invoke our jurisdiction.

¶ 16 Appeal dismissed.