SECOND DIVISION
December 13, 2016

Nos. 1-14-2649 & 1-15-3267 (cons.)

ARBORETUM MALL OWNER, LLC,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County
	)	
v.	)	No. 12 M1 714603
	)	
HEUNG BAEK d/b/a NOZUMI ASIAN CUISINE &	)	
LOUNGE,	)	Honorable
	)	George F. Scully,
Defendant-Appellant.	)	Judge Presiding.

JUSTICE PIERCE delivered the judgment of the court.
Presiding Justice Hyman and Justice Mason concurred in the judgment.

ORDER

¶ 1 *Held*: In this consolidated appeal, defendant's arguments in case no. 1-14-2649 are barred by *res judicata* and are otherwise forfeited. In case no. 1-15-3267, the trial court did not abuse its discretion in denying defendant's Rule 137 petition for sanctions.

¶ 2 In 2012, plaintiff Aboretum Mall Owner, LLC initiated an eviction action against defendant for a breach of a lease agreement resulting in an August 23, 2012 judgment of possession and for damages against defendant Heung Baek. Defendant unsuccessfully moved to vacate the judgment, followed by an unsuccessful motion to quash the service of process on him. Defendant appealed the August 23, 2012 judgment order, along with the orders denying his motion to vacate and his motion to quash (1-13-0644). We granted plaintiff's motion to dismiss defendant's appeal in case no. 1-13-0644 as moot. Eight months later, defendant filed a section

2-1401 petition in the trial court to vacate the August 23, 2012 judgment order, which the trial court denied. Defendant appealed the denial of his section 2-1401 petition (1-14-2649), and the notice of appeal included the August 23, 2012 judgment order as an order being appealed. We stayed case no. 1-14-2649 pending the trial court's resolution of cross-motions for Rule 137 sanctions. When the trial court denied defendant's motion for sanctions he appealed that adverse ruling (1-15-3267). We consolidated the appeals in 1-14-2649 and 1-15-3267. For the following reasons, we affirm the judgment of the trial court in 1-14-2649 and we affirm the judgment of the trial court in 1-15-3267.

¶ 3 BACKGROUND

¶ 4 To understand the background of the August 23, 2012 judgment order that was the subject of the appeal in 1-13-0644, the following facts are presented. On April 15, 2010, Arboretum of South Barrington, LLC (Arboretum) entered into a commercial lease agreement with Heung Baek (Baek) for premises identified as Space J-30 located in Arboretum's shopping center on Higgins Road in South Barrington, Illinois. Baek was named as the lessee operating a restaurant under the trade name "Nozumi Asian Cuisine & Lounge." In May 2012, Arboretum sent a notice to Baek stating that there was a balance due in the amount of $25,323.18. On June 21, 2012, Arboretum filed an eviction action seeking possession of the premises and $71,181.68 in damages. The original complaint named "Arboretum of South Barrington, LLC, a Delaware limited liability company" as the plaintiff and "Nozumi Asian Cuisine & Lounge, an Illinois corporation" as the defendant. A summons was issued naming 'Nozumi Asian Cuisine & Lounge" as the defendant, and written below the defendant's name was "Registered Agent Chul Mo Yang," along with an address. The record does not contain any return of service.

¶ 5 On July 2, 2012, plaintiff filed a motion for leave to amend its complaint to correct the plaintiff's name to "Arboretum Mall Owner, LLC, a Delaware limited liability company." The motion attached a proposed amended complaint that named "Nozumi Asian Cuisine & Lounge, an Illinois corporation" as the defendant. On July 5, 2012, the trial court granted plaintiff leave to file an amended complaint "to correct plaintiff's name." On July 13, 2012, plaintiff filed its amended complaint which named "Arboretum Mall Owner, LLC, a Delaware limited liability company" as the plaintiff, and "Heung K. Baek d/b/a Nozumi Asian Cuisine & Lounge" as the defendant.[1] Nothing in the record indicates whether a summons was issued with respect to the amended complaint.

¶ 6 On July 27, 2012,[2] the trial court granted attorney Joe Metovic leave to file an appearance on or before August 2, 2012, and to answer or otherwise plead. The parties do not direct our attention to the record to demonstrate that Metovic ever filed a written appearance. The trial court continued the matter on two separate occasions, and on August 23, 2012, entered a judgment in favor of plaintiff for possession of the premises and damages in the amount of $96,380.71 plus fees. The judgment order named "Heung K. Baek d/b/a Nozumi Asian Cuisine & Lounge" as the defendant.

[1] Although the order says nothing about the defendant's name, we note that the record on appeal contains a handwritten docket entry of unknown authorship dated July 5, 2012, which reads: "Lv granted π to amend complaint to correctly name defendant."

[2] The order that appears in the record bears the date "June 27, 2012." Plaintiff notes that this date is wrong and that the order was entered July 27, 2012. In support, plaintiff directs our attention to another handwritten docket entry included in the record on appeal bearing the date of July 27, 2012, which reads: "Atty Joe Metovic is granted lv to file app for Δ w/i 7 days or by 8/2/12. Case cnd to 8/2/12." We note that the order also states that Metovic was given seven days to file his appearance. Plaintiff also directs our attention to the Clerk of the Circuit Court of Cook County's electronic docket, which shows that there was no hearing scheduled for June 27, 2012, and there was no court action, whereas on July 27, 2012, the electronic docket shows the matter was continued to August 2, 2012, which is consistent with the order that appears in the record.

¶ 7 On September 24, 2012, Metovic filed a motion to vacate the August 23, 2012 judgment on behalf of Nozumi Asian Cuisine, arguing that the default judgment was entered because he was late to court and that the parties had been negotiating a settlement. On October 9, 2012, the trial court denied the motion "on its merits" and found that the motion was untimely. Defendant moved to reconsider the October 9, 2012 order arguing only that the motion to vacate was timely. On November 2, 2012, the trial court denied the motion to reconsider, but modified the October 9, 2012 order by striking the language finding the motion untimely.

¶ 8 On November 5, 2012, attorney Anthony Klytta filed a combined "special appearance" and motion to quash service on behalf of Baek, arguing that Baek had never been personally served with a summons and complaint. The motion asserted that service was made on an employee of Soo Corporation, and that there was no proper substitute service of the summons and complaint on Baek. There was no return of service attached to the motion, although Baek attached his own affidavit stating that he was the lessee under the lease agreement, that the restaurant operating at the premises was a "d/b/a" of Soo Corporation, and that he had never been served individually. Attached to Baek's affidavit was the section of the lease agreement identifying him as the tenant, and a print-out from the Illinois Secretary of State's website containing the corporate details of Soo Corporation.

¶ 9 On November 12, 2012, Baek and Klytta attended a meeting with Arboretum in an attempt to resolve the case. That meeting resulted in a proposed settlement that was sent by Arboretum's attorney, Arnold Landis, to Klytta. The settlement called for Baek to remit $225,000 by November 14, 2012, withdraw his motion to quash, waive any claims that Baek had against Arboretum, waive Baek's objections to the circuit court's jurisdiction, and acknowledge that the August 23, 2012 order was valid and enforceable, along with several other obligations.

In exchange, Arboretum agreed to postpone the eviction scheduled for November 13, 2012. Klytta signed the agreement on behalf of Baek. Arboretum postponed the eviction.

¶ 10 On November 14, 2012, Klytta sent an email to Landis stating that Soo Corporation had filed a Chapter 11 bankruptcy petition. The email noted that Nozumi Asian Cuisine and Lounge was a "d/b/a" of Soo Corporation. Klytta also informed Landis that the terms of the "proposed" settlement agreement were not acceptable to Baek and indicated that Baek would proceed on his pending motion to quash.

¶ 11 On November 16, 2012, the trial court granted an oral motion by Baek to stay possession of the premises until the motion to quash was resolved. On December 20, 2012, the trial court denied the motion to quash and lifted the stay. The trial court's order does not set forth the reasons for the trial court's ruling, and the record on appeal does not contain any transcript of the hearing or any bystander's report. On December 31, 2012, attorney Joseph Williams filed a "special appearance" on behalf of Baek, along with a motion to reconsider the denial of the motion to quash. Baek argued that: (1) Klytta was not authorized to execute the November 12, 2012, proposed settlement and that Baek never ratified the agreement; and (2) Arboretum had never been granted leave to amend its complaint to add Baek as a defendant and that any amendment to the complaint to that effect was void since the trial court only granted plaintiff leave to amend the plaintiff's name. On January 22, 2013, the trial court denied the motion to reconsider.

¶ 12 On February 18, 2013, Klytta filed a notice of appeal on behalf of Baek, docketed as case no. 1-13-0644 (the 2013 appeal). The notice of appeal identified the following orders being appealed: (1) the August 23, 2012 judgment order; (2) the October 9, 2012 order denying Baek's motion to vacate; (3) the November 2, 2012 order denying the motion to reconsider the denial of

the motion to vacate; (4) the December 20, 2012 order denying Baek's motion to quash service; (5) the January 22, 2013 order denying the motion to reconsider the denial of the motion to quash; and (6) the January 22, 2013 order granting plaintiff's motion to extend the period of enforcement of the judgment of possession.

¶ 13 On February 21, 2013, Baek was evicted from the premises, and on March 8, 2013, Arboretum delivered possession of the premises to a third party pursuant to a separate lease agreement. Arboretum filed a motion in this court to dismiss the 2013 appeal as moot.[3] On May 31, 2013, we entered the following order in case no. 1-13-0644: "This cause coming to be heard on Plaintiff-Appellee [Arboretum's] Motion to Dismiss Defendant-Appellant's Appeal as Moot, and the Court being fully advised in the premises; it is hereby ordered that the Motion to dismiss is hereby granted." Our dismissal order indicates that no response was filed to the motion to dismiss. Baek offers no explanation for why he did not oppose the motion to dismiss. Baek did not file a petition for rehearing in this court within 21 days of the dismissal order, and he did not file a petition for leave to appeal to the supreme court. Our mandate issued on July 25, 2013.

¶ 14 On February 14, 2014, Baek, now represented by a new attorney, filed a petition pursuant to section 2-1401 of the Code of Civil Procedure (the Code) (735 ILCS 5/2-1401 (West 2014)) seeking to vacate the August 23, 2012 judgment. Baek argued that: (1) the August 23, 2012 judgment against Baek was void because Arboretum never obtained leave of court to add Baek as a defendant; (2) Arboretum did not comply with section 2-616 of the Code (735 ILCS 5/2-616 (West 2012)) when it filed an amended complaint without leave of court; (3) the August 23, 2012 judgment was void *ab initio* where Arboretum's counsel committed fraud on the court because he knew that Baek was the proper defendant, but sued the wrong defendant and then

[3] A copy of the motion to dismiss does not appear in the record on appeal.

changed the defendant's name in the August 23, 2012 judgment order before the trial court judge signed it; and (4) that Baek was never in default and thus had a meritorious defense to the underlying action.

¶ 15 On August 25, 2014, the trial court denied Baek's section 2-1401 petition. The trial court stated on the record that it had never made a finding that Baek was properly served, but instead found that the November 12, 2012 agreement contained a waiver of Baek's right to challenge jurisdiction, and that Baek had agreed that the August 23, 2012 judgment was valid and enforceable. On August 26, 2014, Baek filed a notice of appeal from that order, which was docketed under case no. 1-14-2649.

¶ 16 On October 29, 2014, we entered an order staying case no. 1-14-2649, because on September 18, 2014, Arboretum filed a petition for attorney's fees against Baek and his attorney, Hyun Kim, pursuant to Illinois Supreme Court Rule 137 (eff. July 1, 2013), arguing that the section 2-1401 petition filed on February 14, 2014, was an impermissible successive post-judgment motion brought solely to harass Arboretum. The trial court granted Arboretum leave to file an amended Rule 137 petition, which was filed on July 31, 2015. On October 23, 2014, Baek filed his own petition for Rule 137 sanctions, asserting that the filing of a section 2-1401 petition initiates a new proceeding, that a party may challenge an order procured through fraud at any time, and that Arboretum filed its Rule 137 petition in retaliation for Baek appealing the denial of his section 2-1401 petition. After several continuances due in part to various bankruptcy petitions, the trial court denied both Rule 137 petitions on November 6, 2015.

¶ 17 Baek filed a notice of appeal, docketed as case no. 1-15-3267, which identified the August 23, 2012 judgment, the August 25, 2014 order (denying Baek's section 2-1401 petition),

and the November 6, 2015 order (denying Baek's Rule 137 petition). We consolidated the appeals in 1-14-2649 and 1-15-3267.

¶ 18 ANALYSIS

¶ 19 At the outset, we observe that Baek's appellant's brief in this consolidated appeal does not comply with Illinois Supreme Court Rule 342(a) (eff. Jan. 1, 2005), as it does not include a table of contents for either record on appeal. The failure to provide a table of contents for either record on appeal has made our review of his appellate arguments more difficult, although the violation here is not severe enough to warrant outright dismissal of his appeals. Counsel for the appellant is advised that an appendix is not a substitution for a table of contents, and this failure should not be repeated.

¶ 20 Baek raises three issues on appeal. He argues that: (1) the August 23, 2012 judgment is void because the trial court lacked jurisdiction over Baek and Arboretum procured the August 23, 2012 judgment by perpetrating a fraud on the court; (2) parties cannot "waive" void orders; and (3) the trial court abused its discretion in denying his Rule 137 petition.

¶ 21 Before we address the merits of Baek's appeals, Arboretum advances two procedural arguments that we must address, since one of them implicates our jurisdiction. First, Arboretum argues that the dismissal of the 2013 appeal deprives this court of jurisdiction over Baek's appeal in case no. 1-14-2649 because he is again attempting to challenge the August 23, 2012 judgment order, which was appealed in case no. 1-13-0644. Arboretum relies on *Woodson v. Chicago Board of Education*, 154 Ill. 2d 391 (1993), in which an appeal taken from a final order was dismissed for want of prosecution. Our supreme court held that the appellant's failure to file a petition for rehearing within 21 days resulted in the dismissal order becoming final and thus the appellate court lacked jurisdiction to grant the appellant any relief in a subsequent motion to

reinstate the appeal. *Id.* at 397. Arboretum argues that our May 31, 2013 order dismissing Baek's 2013 appeal in case no. 1-13-0644 was a final order, and thus Baek cannot challenge the August 23, 2012 judgment. In his reply brief in this court, Baek argues that *Woodson* did not involve a challenge to a void order, and that a party can challenge a void judgment *ad infinitum*.

¶ 22 We disagree with Arboretum that *Woodson* precludes an appeal from a subsequent trial court order in the same proceeding, since the rule in *Woodson* is confined to an attempt to revive a dismissed appeal after the time in which the dismissal becomes final. *Woodson*, 154 Ill. 2d at 397; see also *City of Chicago v. Pudlo*, 271 Ill. App. 3d 107, 109 (1995) (noting that *Woodson* holds that the appellate court loses jurisdiction to entertain a motion to vacate filed beyond the 21 days in which a party may seek rehearing as required by Illinois Supreme Court Rule 367.) We have not been provided any authority that suggests the dismissal of Baek's 2013 appeal impairs our jurisdiction in case no. 1-14-2649 which involves an appeal from the August 25, 2014 order denying Baek's section 2-1401 petition. As such, we reject Arboretum's argument that we must dismiss case no. 1-14-2649 for lack of jurisdiction.

¶ 23 Arboretum also argues that Baek's failure to obtain a stay pursuant to Illinois Supreme Court Rule 305(k) (eff. July 1, 2004) of the order of possession during the 2013 appeal, and the subsequent lease of the premises to a non-party, renders Baek's appeal in case no. 1-14-2649 moot. Arboretum alternatively argues that our dismissal of the 2013 appeal is *res judicata* to Baek's arguments in case no. 1-14-2649. In his reply brief to this court, Baek offers no serious argument that the issue of possession of the premises is not moot. He does, however, argue that there is still relief that can be granted because the August 23, 2012 judgment included a money judgment against him. Baek also argues that we never reached the merits of the 2013 appeal because Klytta failed to respond to Arboretum's motion to dismiss, and that *res judicata* does not

bar re-litigation of a claim when it acts as a barrier to fundamental fairness. See *People v. Perruquest*, 181 Ill. App. 3d 660, 663 (1989). He also argues that a decision obtained by a fraud on the court is essentially not a decision at all and never becomes final. See *Settlement Funding, LLC v. Brenston*, 2013 IL App (4th) 120869, ¶ 33.

¶ 24 We need not decide whether Baek's appeal in case no. 1-14-2649 is moot because we agree with Arboretum's argument that the dismissal of Baek's 2013 appeal (1-13-0644) is barred by *res judicata* as to any arguments advanced in case no. 1-14-2649 that could have been raised in the 2013 appeal. Baek was barred by *res judicata* from raising any argument in his section 2-1401 petition regarding personal jurisdiction, as he had fully litigated that issue before the trial court through his motion to quash service and his motion to reconsider. See *In re Marriage of Baumgartner*, 226 Ill. App. 3d 790, 794 (1992) ("Issues which could have been raised in a motion for rehearing or on direct appeal are *res judicata* and may not be relitigated in the section 2-1401 proceeding, which is a separate action and not a continuation of the earlier action.") Here, the trial court entered a judgment on August 23, 2012, which became final and appealable after the trial court denied Baek's post-judgment motions filed on September 24, 2012, November 2, 2012, November 5, 2012 and December 31, 2012 and denied the motion to quash on December 20, 2012, and the motion to reconsider on January 22, 2013. Baek appealed the August 23, 2012 judgment, and our dismissal of the 2013 appeal on May 31, 2013, became final 21 days later when Baek failed to seek rehearing in this court or seek leave to appeal to the supreme court. We find that any arguments challenging the August 23, 2012 order advanced in the section 2-1401 petition regarding service of process and personal jurisdiction are barred by *res judicata*, and therefore Baek could not attempt to reargue those issues in the trial court by way of his section 2-1401 petition filed on February 14, 2014.

¶ 25 We also consider whether the primary argument in Baek's section 2-1401 petition was also barred, since *res judicata* applies to all matters that were actually decided in the original action, as well as to matters that could have been raised. *Cooney v. Rossiter*, 2012 IL 113227, ¶ 18. Baek's motion to reconsider the denial of his motion to quash service argued that the August 23, 2012 judgment identified the defendant as "Heung K. Baek d/b/a Nozumi Asian Cuisine & Lounge," and Arboretum did not obtain leave of court to file its amended complaint against the defendant "Heung K. Baek d/b/a Nozumi Asian Cuisine & Lounge," and, further, that the amended complaint was a nullity as to Baek. The trial court denied the motion to reconsider on January 22, 2013, and that order was identified as an order being appealed in Baek's notice of appeal filed on February 18, 2013.

¶ 26 In his section 2-1401 petition, Baek argued that Arboretum procured the August 23, 2012 judgment by committing a fraud on the court based on the following alleged facts: (1) Arboretum did not obtain leave of court before naming Baek as a defendant; (2) Baek was not named as a defendant until named in the August 23, 2012 judgment order which was drafted by Arboretum's attorney; and (3) Arboretum's attorney did not inform the trial court at the time of the judgment that Baek had never been served with the complaint. Although styled as a new legal theory, Baek's section 2-1401 petition relied on the same operative facts known to the trial court at the time it denied Baek's motion to reconsider the motion to quash filed on November 16, 2012. Therefore, Baek was barred by *res judicata* from asserting his fraud on the court argument in his section 2-1401 petition. See *Baumgartner*, 226 Ill. App. 3d at 794.

¶ 27 Even if Baek's fraud on the court argument was not barred by *res judicata*, we would find that he has forfeited his argument on appeal, as he fails to cite to the record to establish the facts forming his argument that Arboretum's conduct amounted to a fraud on the court, he fails

to set forth the elements of a fraud on the court claim, and he fails to develop a coherent legal argument on this point. This court is not a depository in which the appellant may dump the burden of argument and research (*Housing Authority of Champaign County v. Lyles*, 395 Ill. App. 3d 1036, 1040 (2009)), and it is not the job of this court to scour the record and make arguments for the appellant. *In re Estate of Parker*, 2011 IL App (1st) 102871, ¶ 47. Therefore, any argument regarding a fraud on the court has been forfeited. Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013) (argument section of appellant brief "must contain contentions of the appellant and reasons therefor, with citation to authorities and pages of record relied on"); *Lyles*, 395 Ill. App. 3d at 1040 (the failure to properly develop an argument does "not merit consideration on appeal and may be rejected for that reason alone").

¶ 28 Even looking past *res judicata* and Baek's forfeiture of his fraud on the court argument, we cannot ignore the fact that the trial court was aware of the August 23, 2012 judgment order when it denied Baek's motion to reconsider (January 22, 2013) the denial of his motion to quash (filed November 5, 2012), which made the August 23, 2012 judgment final and appealable. In his motion to reconsider the denial of his motion to quash, Baek argued that he never ratified the settlement agreement (executed by Klytta, his attorney) which expressly acknowledged the validity and enforceability of the August 23, 2012 judgment order. As such, Baek was again barred by *res judicata* from attempting to relitigate the enforceability of the settlement agreement in his section 2-1401 petition for the reasons we explained above. Furthermore, Baek apparently obtained the benefit of that bargain where the record indicates that Arboretum postponed the eviction and the very next day Baek caused a bankruptcy petition to be filed, resulting in an automatic stay. It was only after the automatic stay was entered that Baek's attorney informed Arboretum that Baek had not agreed to the terms of the proposed settlement.

¶ 29 Baek's additional arguments on appeal that the terms of the settlement were unconscionable, that there was no consideration, and that Arboretum never intended to enter into a good faith settlement with him, are not only barred by *res judicata* for the reasons explained above, but they are also forfeited because Baek never raised them in the trial court and his appellant's brief fails to provide citations to the record or to authority in support of his arguments. Ill. S. Ct. R. 341(h)(7). He additionally argues that he could not contractually waive his right to challenge a void judgment, however, he forfeits that argument as well by failing to advance any relevant legal authority or analysis in support of this argument. While it is true that our supreme court recently clarified that a party's submission to the court's jurisdiction by filing an appearance "does not retroactively validate orders entered prior to that date," (*BAC Home Loan Servicing, LP v. Mitchell*, 2014 IL 116311, ¶ 44), Baek fails to explain why a subsequent settlement agreement in which a party voluntarily agrees to be bound by a previously entered order is unenforceable. In sum, the arguments advanced in Baek's section 2-1401 petition were barred by *res judicata*, and he has forfeited all of his arguments in this court. We affirm the trial court's judgment in case no. 1-14-2649 dismissing Baek's section 2-1401 petition.

¶ 30 Finally, we address the appeal in case no. 1-15-3267 as to whether the trial court abused its discretion in denying Baek's Rule 137 petition for sanctions. Baek argues that Landis told Kim (Baek's counsel) that if Baek appealed the dismissal of the section 2-1401 petition, Arboretum would seek sanctions.[4] Baek further argues that Arboretum's Rule 137 petition and amended petition were brought in bad faith to harass Baek and to delay the appeal in case no. 1-14-2649. Arboretum argues that it sought sanctions in response to Baek's fifth attempt to vacate the August 23, 2012 judgment, which was brought after the 2013 appeal had been dismissed.

[4] Baek's counsel, Mr. Kim, cites to his own affidavit filed in the trial court in connection with the Rule 137 petition as factual support for these statements.

Arboretum argues that all of the facts set forth in Baek's section 2-1401 petition had previously been presented to the trial court.

¶ 31 We review the trial court's ruling denying a motion for sanctions for an abuse of discretion. *Lake Environmental, Inc. v. Arnold*, 2015 IL 118110, ¶ 16. A court abuses its discretion only where no reasonable person would agree with its ruling. *Id.* In relevant part, Rule 137 states:

> "[T]he signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation." Ill. S. Ct. R. 137(a) (eff. July 1, 2013).

¶ 32 We find that the trial court did not abuse its discretion in denying Baek's Rule 137 petition. When the trial court denied Baek's section 2-1401 petition, it found that the arguments raised therein had been raised in the previous motions, that the settlement agreement demonstrated that Baek agreed to be bound by the August 23, 2012 judgment, and that his fraud on the court arguments were too late. Arboretum's Rule 137 petition argued that Baek's section 2-1401 petition was an impermissible successive post-judgment motion. In response, Baek argued that the section 2-1401 petition initiated a new proceeding and that a void order may be attacked at any time. The trial court heard oral argument where Arboretum argued that Baek's 2013 appeal was dismissed and that the section 2-1401 petition was "going over the same ground that's been gone over repeatedly and repeatedly, and that's the reason we brought the motion."

The trial court stated on the record that it found no substantive difference between the motion to quash and the section 2-1401 petition, and that Baek agreed to give up his right to challenge the validity of the judgment in the settlement agreement of November 12, 2012. Based on this record, we find that the trial court did not abuse its discretion in denying Baek's Rule 137 petition, as it could reasonably have concluded Arboretum's Rule 137 petition was brought in good faith where the section 2-1401 petition was arguably a subsequent attempt to vacate an order that had already been fully litigated.

¶ 33 For the foregoing reasons, we affirm the judgment entered in 1-14-2649 and we affirm the judgment entered in 1-15-3267.

¶ 34 Affirmed.