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FIRST DIVISION  
February 6, 2017

No. 1-16-1350  
2017 IL App (1st) 161350-U

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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|---|---|---------------------------------|
| DEUTSCHE BANK NATIONAL TRUST            | ) | Appeal from the                 |
| COMPANY, as Trustee for GSAMP 2006-FM1, | ) | Circuit Court of                |
|   | ) | Cook County.                    |
| Plaintiff-Appellee,                     | ) |                                 |
|   | ) |                                 |
| v.                                      | ) | No. 11 CH 28887                 |
|   | ) |                                 |
| ELENA FEDOROVA,                         | ) |                                 |
|   | ) | Honorable Robert E. Senechalle, |
| Defendant-Appellant.                    | ) | Judge Presiding.                |

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PRESIDING JUSTICE CONNORS delivered the judgment of the court.  
Justices Harris and Mikva concurred in the judgment.

**ORDER**

¶ 1 *Held:* This court does not have jurisdiction to consider this appeal because defendant's notice of appeal was untimely; appeal dismissed.

¶ 2 Defendant, Elena Fedorova, appeals *pro se* from orders entered by the circuit court related to a foreclosure judgment entered against her and in favor of plaintiff, Deutsche Bank National Trust Company, as Trustee for GSAMP 2006-FM1 (Deutsche Bank), involving unit 909 at 1360 North Sandburg Terrace, in Chicago, and the confirmation of the sale of that property. On appeal, defendant contends that the judgments in her case are void and all orders

must be vacated. Defendant asserts that Deutsche Bank is not the actual plaintiff in this case, her foreclosure was fraudulent and based on forged documents, the relevant assignment of the mortgage was void *ab initio*, she was not properly served, the note was forged, and the circuit court judge violated her civil rights. Upon review, we find that we must dismiss this appeal for lack of jurisdiction.

¶ 3 Defendant acted *pro se* throughout the proceedings in the circuit court and continues to do so on appeal. This is defendant's second appeal to this court, and we begin by summarizing the proceedings that formed the basis of her first appeal.

¶ 4 On August 16, 2011, Deutsche Bank filed a mortgage foreclosure action against defendant due to defendant's failure to make monthly payments. According to the complaint, the mortgage was issued on January 31, 2006, and was in the amount of \$138,400. Deutsche Bank also stated that the original mortgagee was Mortgage Electronic Registration Systems, Inc. (MERS), as nominee for Fremont Investment and Loan (Fremont). Deutsche Bank further asserted that it was the current mortgagee and the current servicer was America's Servicing Company.

¶ 5 Initial efforts to serve defendant were unsuccessful, and defendant was eventually served by publication. On July 20, 2012, Deutsche Bank filed a motion for a default order, a motion to appoint a selling officer, and a motion for a judgment of foreclosure. Per an affidavit from the loan servicing agent, defendant had not cured the payment default since the complaint was filed and owed \$231,859.44. On August 10, 2012, the court entered an order of default against defendant, as well as orders appointing a selling officer and entering a judgment of foreclosure. At a sale on November 13, 2012, Deutsche Bank purchased the property for \$99,875. On or

about December 4, 2012, Deutsche Bank filed a motion for an order approving the report of sale, distribution, and possession.

¶ 6 On December 28, 2012, defendant signed an emergency petition pursuant to section 2-1401 of the Code of Civil Procedure (Code) (735 ILCS 5/2-1401 (West 2012)) to vacate a void judgment based on mortgage fraud, service fraud, and lack of standing. On January 11, 2013, defendant filed a request for debt validation and proof of service, asserting in part that the note did not indicate or prove that Deutsche Bank or America's Servicing Company were ever part of the mortgage transaction. Among other relief, defendant demanded proof that Fremont transferred its rights to Deutsche Bank and that Deutsche Bank had exercised reasonable diligence in serving defendant. On January 11, 2013, the court denied defendant's motion to vacate the default judgment, judgment of foreclosure, and order of sale.

¶ 7 On January 25, 2013, defendant filed a verified answer to the foreclosure complaint, an amended petition to vacate the default judgment pursuant to section 2-1401 of the Code, a motion to dismiss the foreclosure with prejudice, and a request for sanctions. According to defendant, Deutsche Bank failed to prove it owned or held the mortgage or note and there was no evidence of an assignment from the real party in interest to Deutsche Bank.

¶ 8 On February 15, 2013, the court entered an order that approved the report of sale and distribution, confirmed the sale, and ordered possession. On February 19, 2013, defendant filed a motion to reconsider her amended petition to vacate the default judgment under section 2-1401 of the Code as void due to fraud, reverse the foreclosure sale, and dismiss the foreclosure with prejudice as void *ab initio*. Defendant asserted that the court erred by approving the order of sale and failed to consider her status as a disabled veteran and various affirmative defenses.

Defendant also stated that Deutsche Bank lacked the statutory authority to foreclose. In response,

Deutsche Bank stated that it properly sent notice of the foreclosure sale, defendant failed to provide evidence that the price at the foreclosure sale was unconscionable, and defendant did not present evidence of fraud.

¶ 9 On October 22, 2013, the court entered an order that continued defendant's motion to reconsider to December 4, 2013. The order stated that defendant and counsel for Deutsche Bank were present. The order provided in part that Deutsche Bank was to produce the original note and mortgage in open court on December 4, 2013.

¶ 10 On December 4, 2013, the court denied defendant's motion to reconsider and motion to reverse entry of the judicial deed. The order indicated that defendant and counsel for Deutsche Bank were present. Additionally, the order stated that Deutsche Bank "brought to open court the original note, mortgage and assignment of rents which was inspected by defendant."

¶ 11 The next day, defendant filed a motion for rehearing pursuant to section 2-1203 of the Code (735 ILCS 5/2-1203 (West 2012)), asserting foreclosure fraud, robo-signing, and lack of standing.

¶ 12 In a written order entered on December 23, 2013, the court stated that it did not have jurisdiction to hear the second motion to reconsider or for rehearing because it was a successive postjudgment motion. The court also detailed what occurred at the proceeding on December 4, 2013. On that date, Deutsche Bank produced what its attorney represented in open court to be defendant's original promissory note. The court also stated that defendant inspected the promissory note and the original of the mortgage, which Deutsche Bank also brought to the hearing. The court noted that it had informed the parties that the fact that Deutsche Bank attached a copy of the endorsed in blank note to its complaint was *prima facie* evidence that Deutsche Bank owned the note, citing *Parkway Bank & Trust Co. v. Korzen*, 2013 IL App (1st)

130380, ¶ 24. The court stated that it found that because the record established that Deutsche Bank held the note, Deutsche Bank had the right to enforce the mortgage that was given as security for the note. The court directed defendant to refrain from filing any future motions or pleadings in this case, other than those specifically authorized to be filed under the Illinois Supreme Court rules for civil appeals.

¶ 13 This brings us to defendant's first appeal to this court. In an unpublished order issued on December 18, 2014, this court affirmed the judgment of the circuit court. *Deutsche Bank v. Fedorova*, 2014 IL App (1st) 134037-U. Per the order, defendant contested Deutsche Bank's status as plaintiff and its standing to bring the foreclosure action against her. *Id.* ¶ 2. This court treated defendant's petition to vacate that was signed in December 2012 as a motion pursuant to section 15-1508(b) of the Illinois Mortgage Foreclosure Law (735 ILCS 5/15-1508(b) (West 2012)). *Fedorova*, 2014 IL App (1st) 134037-U, ¶¶ 20-21. The court found that defendant's assertion of a defense of lack of standing was untimely, and that defendant had not shown that she was prevented from raising the standing defense earlier or that she was prevented from protecting her interests through fraud or misrepresentation. *Id.* ¶ 24.

¶ 14 Following the appellate court decision, defendant filed a petition for rehearing that was denied on January 28, 2015. Defendant subsequently filed a petition for leave to appeal to the Illinois Supreme Court, which was denied on May 27, 2015.

¶ 15 Defendant then returned to the circuit court, where on July 6, 2015, she filed a petition to stay an order of possession that was entered on February 15, 2013, asserting that Deutsche Bank committed fraud on the court and that Deutsche Bank did not have standing to bring the foreclosure action. The court denied the motion on July 28, 2015.

¶ 16 On January 4, 2016, pursuant to section 2-1401 of the Code, defendant filed a petition to vacate the orders of February 15, 2013 (which had approved the report of sale and distribution, confirmed the sale, and ordered possession), and December 4, 2013 (which denied defendant's motion to reconsider her amended petition to vacate and motion to reverse entry of the judicial deed). According to defendant, the judgment in her case was obtained in violation of applicable laws and perpetrated by fraud on the court, which rendered the judgment void. Defendant contended that the court never had subject matter jurisdiction over the case. Further, defendant stated that Deutsche Bank's counsel failed to prove that her mortgage was part of the applicable trust and falsely asserted that Deutsche Bank was the current mortgagee. Defendant also claimed that her case involved robo-signing. Defendant further asserted that the note that was brought to court on December 4, 2013, was not the original note and was substantially different from the note attached to the foreclosure complaint.

¶ 17 On January 13, 2016, the court issued a written order from chambers that denied with prejudice defendant's petition to vacate. The court noted that defendant's argument about lack of standing had been denied by the trial court three times, as well as by the appellate court. The court also stated that it clearly had subject matter jurisdiction to enter the foreclosure judgment, as a claim for foreclosure is a justiciable matter regardless of whether the plaintiff bringing the action is a proper party. Additionally, the court noted that defendant's latest section 2-1401 petition was filed more than two years after the entry of the order confirming the sale and more than two years after the last of defendant's motions to reconsider/vacate was disposed of by order. The court stated that because the challenged orders were not void, the petition was not saved by exception to the two-year limitations period set forth in section 2-1401(c) of the Code (735 ILCS 5/2-1401(c) (West 2012)). The court concluded that it lacked jurisdiction to hear the

petition to vacate and further stated that the filing of the petition violated the court's previous order that barred defendant from filing any future motions or pleadings other than motions related to her appeal. The court added that if defendant filed future motions or pleadings in the case, the court would refer the matter to the Cook County State's Attorney's Office for indirect criminal contempt proceedings.

¶ 18 Nonetheless, defendant continued to file motions and pleadings. On February 2, 2016, defendant filed a request for intervention to the United States Attorney General and the Illinois Attorney General. On February 3, 2016, defendant filed a motion for a continuance on her section 2-1401 petition and her request for intervention. In the motion for a continuance, defendant stated that a section 2-1401 petition is not subject to a two-year limit when the judgment is void. Defendant further asserted that when a judge does not follow the law, the judge loses subject-matter jurisdiction and his orders are void. According to defendant, there was an ample body of law that directed the judge to vacate and correct his void judgment. Defendant requested a continuance of her petition and that the judge comply with the law.

¶ 19 Subsequently, on February 18, 2016, defendant filed a petition for *quo warranto writ* with the Illinois Attorney General against the judge in her case for his alleged violations of canons of judicial ethics, fraud upon the court, obstruction of justice, direct criminal contempt, lack of professional integrity, and breach of duties owed to the people of Illinois. In part, defendant asked the Illinois Attorney General for protection from the judge presiding over her case due to his continuous judicial misconduct.

¶ 20 On March 14, 2016, defendant filed a motion to compel various officials to appoint an independent master to investigate the "questionable features" surrounding the orders entered in her case. Defendant also filed a memorandum in support of her motion to compel.

¶ 21 On March 21, 2016, defendant filed an amended petition pursuant to section 2-1401 of the Code to vacate the orders of February 15, 2013 (which approved the report of sale and distribution, confirmed the sale, and ordered possession), December 4, 2013 (which denied defendant's motion to reconsider her amended petition to vacate and motion to reverse entry of the judicial deed), and January 13, 2016 (which denied defendant's petition to vacate). Defendant asserted that the orders were void and raised the following claims: (1) Deutsche Bank lacked standing to bring the foreclosure case; (2) the court did not have subject matter jurisdiction; (3) fraud was committed by officers of the court; (4) corruption and fraudulent concealment occurred; (5) the judge trespassed the law and employed double standards; (6) defendant was deprived of honest services by the judge; and (7) the judges in her case violated canons of judicial ethics and ABA Rules of Conduct. In part, defendant contended that Deutsche Bank was never a party to defendant's mortgage transaction and defendant's mortgage was not part of the trust in this case. Defendant also stated that MERS never became the lawful holder of the note because it was never assigned to MERS by Fremont, and so the note was not assigned to Deutsche Bank either. Defendant further asserted that a forged note was brought to court on December 4, 2013. Defendant also filed a memorandum in support of her amended petition.

¶ 22 On March 24, 2016, defendant filed a motion to compel Wells Fargo to reverse an unlawful deed obtained by fraud and to demand sanctions against Deutsche Bank and its counsel.

¶ 23 On March 25, 2016, the court entered an order that denied all motions filed by defendant due to lack of jurisdiction. The order additionally provided that the January 13, 2016, order barring defendant from any future filings in the case stood and that defendant was ordered to cease sending correspondence and courtesy copies to the court. The order indicated that



defendant and counsel for Deutsche Bank were present and the court was fully advised in the premises.

¶ 24 Again notwithstanding the court's order, on March 30, 2016, defendant filed a complaint against the trial court judge for corruption and fraud. In part, defendant claimed that the judge attempted to scare her by inviting an impersonator of an assistant Attorney General to the hearing on March 25, 2016.

¶ 25 On April 11, 2016, defendant filed a motion to contest the judge's jurisdiction due to his perversion of justice, theft of honest services, racket, and systemic corruption and fraud upon the court. In part, defendant asserted that her section 2-1401 petition was denied on March 25, 2016, without any legitimate grounds for dismissal. Defendant stated that her request to reverse the void judgment was appropriate due to the judge's and lawyers' fraud on the court, Deutsche Bank's lack of standing, and the court's lack of jurisdiction. Defendant further contended that she had provided sufficient evidence to prove her meritorious defenses and the judge's fraud. Additionally, defendant stated that a trial court may only *sua sponte* dismiss or deny a section 2-1401 petition on the merits after the 30-day response period expires. Defendant further stated that the January 13, 2016, order denying her petition that was filed on January 4, 2016, was premature and unlawful. Defendant also filed a memorandum in support of her motion.

¶ 26 On April 25, 2016, defendant filed a petition for change of judge for cause pursuant to section 2-1001(a)(3) of the Code (735 ILCS 5/2-1001(a)(3) (West 2014)). Defendant requested that all of the judge's orders be vacated as void and for the case to be heard on the merits before a nonbiased judge. Defendant asserted that the orders at issue were procured by the judge's perversion of justice, absence of jurisdiction, systemic corruption, racket, and fraud on the court

in favor of Deutsche Bank, who lacked standing. Additionally, defendant repeated her claim that the judge had brought an impersonator from the Attorney General's office to deter her.

¶ 27 Also on April 25, 2016, defendant filed a motion for a rehearing of her amended section 2-1401 petition that was denied on March 25, 2016. In part, defendant restated her claim that the judge brought an impersonator of an assistant Attorney General to terrorize defendant and obstruct her pursuit of justice. Defendant also reiterated her claims that the court did not have jurisdiction over her case and that Deutsche Bank did not have standing. Additionally, defendant challenged the order entered on January 13, 2016, that denied the section 2-1401 petition she filed on January 4, 2016.

¶ 28 On April 26, 2016, the court issued a rule to show cause, ordering defendant to show cause as to why she should not be held in direct criminal contempt for her willful violation of the court's orders that barred defendant from filing motions and sending correspondence in this case.

¶ 29 Additionally, the court entered a written order on April 26, 2016, that addressed defendant's motion to challenge the judge's jurisdiction and defendant's petition for a change of judge. The court stated that neither party was present in court, but the court was fully advised in the premises and was making an extensive record in the presence of a court reporter. Per the report of proceedings, the court noted that defendant had been in the hallway, but left. The court also recalled the procedural history of the case and the motions and pleadings defendant had filed. The court acknowledged that as to the proceeding on March 25, 2016, the court had asked an assistant State's Attorney to observe and consider the possibility of pursuing indirect criminal contempt charges against defendant. Turning to defendant's latest motions, the court denied the motion to contest jurisdiction and the petition for a change of judge for lack of jurisdiction.

¶ 30 On May 4, 2016, defendant filed a petition for a change of judge pursuant to section 2-1001(a)(4) of the Code (735 ILCS 5/2-1001(a)(4) (West 2014)). In part, defendant requested that all order entered by the judge be vacated and that the case be returned for a hearing before a nonbiased judge. Defendant further asserted that her section 2-1401 petitions were exceptions to the court's order that defendant refrain from making further filings, that the judge brought an impersonator to terrorize her and obstruct her pursuit of justice, and that her section 2-1401 petition was unlawfully denied on March 25, 2016. Defendant also filed a memorandum in support of her petition.

¶ 31 On May 11, 2016, the court entered a written order that struck the matter from the call because the motion for a change of judge for cause had been previously denied. The order indicated that defendant had appeared in court.

¶ 32 Defendant filed a notice of appeal on May 16, 2016. The notice indicated that defendant was appealing the order entered on April 26, 2016. As relief, defendant stated that she sought to "REVERSE FINAL [JUDGMENT] DENYING PETITION UNDER R. 1401(F)." Defendant further stated that she requested a *de novo* review of her case "to validate all Judge Senechalle['s] orders and its compliance with the law; Rules of Civil Procedures; and Government's Consent Judgment." Defendant also filed a memorandum in support of her notice of appeal that purported to provide additional evidence for her claims.

¶ 33 On appeal, defendant challenges the denial of her section 2-1401 petition and contends that it was unlawfully denied. Defendant argues that her case is an example of foreclosure fraud, Deutsche Bank had no standing, and there is no evidence that Deutsche Bank is the actual plaintiff. Defendant further asserts that her case was based on forged documents and states that the note attached to the foreclosure complaint lacked any chain of assignment, except a stand-

alone page with a stamped signature of a now-defunct Vice President of Fremont.<sup>1</sup> Additionally, defendant contends that she was never served with summons and all notices were mailed to the wrong unit in the subject building. Defendant also accuses the trial judge of employing deception and committing fraud against her.

¶ 34 For its part, Deutsche Bank first contests defendant's notice of appeal. Deutsche Bank contends that the notice of appeal only confers jurisdiction over the order entered on April 26, 2016 (which denied the motion to challenge the judge's jurisdiction and the petition for a change of judge), because that is the only order mentioned in the notice of appeal. At issue, then, is whether the notice of appeal includes the denial of defendant's section 2-1401 petition, which defendant challenges here.

¶ 35 The timely filing of a notice of appeal is mandatory and jurisdictional. *Won v. Grant Park 2, LLC*, 2013 IL App (1st) 122523, ¶ 20. A notice of appeal must be filed with the clerk of the circuit court within 30 days after the entry of the final judgment appealed from or within 30 days after the entry of the order disposing of the last pending postjudgment motion. Ill. S. Ct. R. 303(a)(1) (eff. Jan. 1, 2015). Among other elements, a notice of appeal must "specify the judgment or part thereof or other orders appealed from and the relief sought from the reviewing court." Ill. S. Ct. R. 303(b)(2) (eff. Jan. 1, 2015). At the same time, "a notice of appeal is to be liberally construed." *In re Marriage of O'Brien*, 2011 IL 109039, ¶ 22. A notice of appeal will confer jurisdiction on this court if the notice, "when considered as a whole, fairly and adequately

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<sup>1</sup> In defendant's previous appeal to this court, we noted that the record included a promissory note that provided that the lender was Fremont, and was endorsed by Michael Koch, Fremont vice president, to "pay to the order of \*\* without recourse." *Fedorova*, 2014 IL App (1st) 134037-U, ¶ 4. We further stated that Fremont transferred the loan to Deutsche Bank as indicated by the notation, "\*\*\*Deutsche Bank National Trust Company, as Trustee for Fremont Home Loan Trust 2006-1." *Id.* Upon review, and as noted by Deutsche Bank, the note was actually endorsed in blank.

sets out the judgment complained of and the relief sought so that the successful party is advised of the nature of the appeal." (Internal quotation marks omitted.) *Id.*

¶ 36 Here, giving defendant's notice of appeal a liberal construction, we find that the notice indicates that defendant seeks review of the denial of her section 2-1401 petition that was filed on January 4, 2016. Although defendant only listed April 26, 2016, as the date of the judgment/order being appealed, the notice also states that the relief sought is to reverse the final judgment denying her petition under Rule 1401(f), which we take to mean her section 2-1401 petition that contended certain judgments were void. See 735 ILCS 5/2-1401(f) ("Nothing contained in this Section affects any existing right to relief from a void order or judgment"). The notice of appeal does not strictly comply with our supreme court rules, but as a whole, sufficiently advised Deutsche Bank of the object of defendant's appeal. We note that our conclusion was not affected by the memorandum that defendant attached to her notice of appeal. Rule 303 does not indicate that the notice of appeal is a vehicle for argument—rather, that is the purpose of the appellant's brief. See Ill. S. Ct. R. 341(h)(7) (eff. Jan. 1, 2016) (argument section of appellant's brief contains the appellant's contentions).

¶ 37 Although we read the notice of appeal to include review of defendant's section 2-1401 petition, we agree with Deutsche Bank that we nonetheless do not have jurisdiction to consider defendant's arguments because defendant filed her notice of appeal too late. As background, section 2-1401 of the Code provides an avenue for relief from final orders and judgments more than 30 days after they were entered. 735 ILCS 5/2-1401(a) (West 2012). Normally, the petition must be filed within two years of the order or judgment being challenged (735 ILCS 5/2-1401(c) (West 2012)), but the two-year limit does not apply when the petitioner alleges the judgment is void (*Wells Fargo Bank, N.A. v. Sanders*, 2015 IL App (1st) 141272, ¶ 17). The filing of a

section 2-1401 petition is considered a new proceeding and not a continuation of the old one. *Sarkissian v. Chicago Board of Education*, 201 Ill. 2d 95, 102 (2002). As such, a party whose section 2-1401 petition is denied enjoys the same appellate rights as all other appellants. *Harris Bank, N.A. v. Harris*, 2015 IL App (1st) 133017, ¶ 45.

¶ 38 A circuit court's ruling on a section 2-1401 petition is a final order and Rule 304(b)(3) provides that such an order can be immediately appealed. Ill. S. Ct. R. 304(b)(3) (eff. Mar. 8, 2016); *Sarkissian*, 201 Ill. 2d at 102. Further, the timing for an appeal of the denial of a section 2-1401 petition is governed by Rule 303(a)(1), including its provision that the time for filing a notice of appeal is tolled if a party timely files a posttrial motion. *Harris Bank, N.A.*, 2015 IL App (1st) 133017, ¶ 45. To that end, "a motion to reconsider the denial of a second section 2-1401 petition is not a second or successive postjudgment motion, and the time to appeal begins to run after the court rules on the motion to reconsider." *Jones v. Unknown Heirs or Legatees of Fox*, 313 Ill. App. 3d 249, 252 (2000). It is also important to note that our supreme court rules permit parties to make only one postjudgment motion directed at a judgment order that is otherwise final (Ill. S. Ct. R. 274 (eff. Jan. 1, 2006)), and successive postjudgment motions do not extend the time to appeal (*Bell Federal Savings & Loan Ass'n v. Bank of Ravenswood*, 203 Ill. App. 3d 219, 224 (1990)). See also Ill. S. Ct. R. 303(a)(2) (eff. Jan. 1, 2015) ("No request for reconsideration of a ruling on a postjudgment motion will toll the running of the time within which a notice of appeal must be filed"). Further, a postjudgment motion must be filed within 30 days of the judgment "or within any further time the court may allow within the 30 days or any extensions thereof." 735 ILCS 5/2-1203 (West 2014).

¶ 39 With these principles in mind, we turn to the scenario presented by defendant's section 2-1401 petition that was filed on January 4, 2016, and her subsequent filings. Defendant's section

2-1401 petition was denied on January 13, 2016. On February 3, 2016, defendant filed a motion for a continuance on her section 2-1401 petition. We construe this motion to be a postjudgment motion directed against the denial of her section 2-1401 petition. See *J.D. Marshall International, Inc. v. First National Bank of Chicago*, 272 Ill. App. 3d 883, 888 (1995) (the nature of a motion is determined by its substance rather than its caption). To be a postjudgment motion, the motion must be directed against the judgment and request one or more types of relief specified in section 2-1203 of the Code: rehearing, retrial, modification of the judgment, or to vacate the judgment or other relief. See 735 ILCS 5/2-1203 (West 2014); *Mo v. Hergan*, 2012 IL App (1st) 113179, ¶ 32. In the motion, defendant sought a continuance of her petition, suggested that the judge had not followed the law, and stated that there was an ample body of law in her favor. The substance is most akin to a motion for a rehearing of the denial of her section 2-1401 petition, which qualifies the motion as a postjudgment motion.

¶ 40 Because the motion for a continuance was a postjudgment motion, the time to appeal was tolled until that motion was denied. See Ill. S. Ct. R. 303(a)(1) (eff. Jan. 1, 2015) (timely filed postjudgment motion tolls time for appeal until after entry of order disposing of last pending postjudgment motion). The motion was denied on March 25, 2016, and defendant had 30 days from that date to appeal. Defendant did not file her notice of appeal until May 16, 2016, and so the next question is whether any subsequent filings extended the deadline to appeal. Defendant filed an amended petition to vacate on March 21, 2016. This filing was either a postjudgment motion, as it partially challenged the denial of her section 2-1401 petition, or a new section 2-1401 petition. To the extent it was a postjudgment motion, we reiterate that defendant could only make one postjudgment motion that addressed the denial of her section 2-1401 petition (Ill. S. Ct. R. 274 (eff. Jan. 1, 2006)). Regardless, it was denied on the same date as her other

postjudgment motion—March 25, 2016. If this filing was a new section 2-1401 petition, then one might perhaps contend that its denial on March 25, 2016, allowed her 30 days to file a postjudgment motion, which would in turn potentially toll the time for filing a notice of appeal. However, the amended petition to vacate largely repeated the assertions in defendant's prior section 2-1401 petition, and successive and repetitious motions pursuant to section 2-1401 do not extend the time for appeal of a final order. *Holloway v. Kroger Co.*, 253 Ill. App. 3d 944, 948 (1993).

¶ 41 As an aside, we note that it has been recognized that nothing in Illinois law suggests that a trial court does not have jurisdiction to consider more than one section 2-1401 petition. *People v. Walker*, 395 Ill. App. 3d 860, 868 (2009). Nonetheless, "successive section 2-1401 petitions unnecessarily frustrate the policy of bringing finality to trial court proceedings" (*People v. Donley*, 2015 IL App (4th) 130223, ¶ 40), and to allow defendant to continue to file repetitious section 2-1401 petitions as she did here would interfere with the trial court's " 'traditional right of discretionary control over its own docket' " (*Id.* ¶ 42), which the trial court tried to exercise by barring further filings and correspondence.

¶ 42 Thus, after the trial court denied all of defendant's motions on March 25, 2016, defendant had 30 days to file a notice of appeal. See Ill. S. Ct. R. 303(a)(1) (eff. Jan. 1, 2015). Yet, defendant continued to file various motions in the trial court, none of which extended the time to appeal. On April 11, 2016, defendant filed a motion to contest the judge's jurisdiction. In this motion, defendant challenged the denial of her section 2-1401 petition on January 13, 2016, and the court's denial of her motions on March 25, 2016. Because the motion to contest jurisdiction was essentially requesting a rehearing of the same arguments she had previously raised and challenged the denial of her previous postjudgment motion, this motion was a successive



postjudgment motion that did not toll the time for appeal. See 735 ILCS 5/2-1203 (West 2014); Ill. S. Ct. R. 303(a)(2) (eff. Jan. 1, 2015).

¶ 43 On April 25, 2016, defendant filed a motion for rehearing her amended section 2-1401 petition that had been denied on March 25, 2016. Putting aside the matter that the amended section 2-1401 petition did not extend the time to appeal because it was repetitious, the motion for rehearing was not noticed and was never ruled on. A party filing a motion is responsible for bringing it to the trial court's attention. *People v. Kelley*, 237 Ill. App. 3d 829, 831 (1992). Unless circumstances indicate otherwise, where no ruling appears to have been made on a motion, we presume the motion was waived or abandoned. *Twardowski v. Holiday Hospitality Franchising, Inc.*, 321 Ill. App. 3d 509, 512-13 (2001). As defendant did not obtain a ruling on her motion for rehearing and no circumstances indicate otherwise, we presume defendant abandoned or waived her motion for rehearing.

¶ 44 Defendant's petitions for a change of judge, filed on April 25, 2016, and May 4, 2016, and denied or struck on April 26, 2016, and May 11, 2016, respectively, also did not extend the time to appeal. If they were another attempt to attack the denial of her section 2-1401 petition, then they were successive postjudgment motions that did not toll the time for appeal. Ill. S. Ct. R. 303(a)(2) (eff. Jan. 1, 2015). As stand-alone petitions, whether defendant could appeal their denial is questionable. Generally, a final and appealable judgment is one in which the trial court has determined the merits of the parties' claims, and the only remaining action is to execute the judgment. *In re Estate of French*, 166 Ill. 2d 95, 101 (1995). Here, the denial of the petitions did not meet that definition. Rule 304(a) allows for an immediate appeal from a final order that disposes of fewer than all of the claims between the parties, but in that case, the trial court must make an express written finding that there is no just reason for delaying either enforcement or

appeal or both. Ill. S. Ct. R. 304(a) (eff. Mar. 8, 2016). There was no such written finding here. Further, a petition to substitute judge is not listed as an interlocutory order that may be appealed as of right. Ill. S. Ct. R. 307 (eff. Jan. 1, 2016).

¶ 45 Even if defendant could appeal the petition for a change of judge, her argument is forfeited on appeal. Under Illinois Supreme Court Rule 341(h)(7) (eff. Jan. 1, 2016), the argument section of the appellant's brief must contain the appellant's contentions and the reasons for them, "with citation of the authorities and the pages of the record relied on." In attacking various aspects of the trial judge who presided over this matter, defendant fails to cite relevant authority or to the record, and her contentions amount to unsupported theories and speculation. Defendant's *pro se* status does not relieve her of the burden of complying with the format for appeals as mandated by our supreme court rules. *Twardowski*, 321 Ill. App. 3d at 511. Further, a party's failure to comply with Rule 341 is grounds for disregarding its arguments on appeal. *Burmac Metal Finishing Co. v. West Bend Mutual Insurance Co.*, 356 Ill. App. 3d 471, 478 (2005). Accordingly, we do not consider her arguments related to her request for a change of judge.

¶ 46 Lastly, we briefly address defendant's challenge to the denial of a motion to stay sale that she filed in this court while this case was pending on appeal. Defendant's assertions about why the motion was improperly denied are rooted in theories about various appellate justices' conflicts of interest. Defendant again fails to cite relevant authority in support of her argument, which violates Rule 341(h)(7) (eff. Jan. 1, 2016). As a result, we disregard her argument on this issue.

¶ 47 We also note that a key issue that defendant raised in her section 2-1401 petition—Deutsche Bank's lack of standing—was already addressed in her previous appeal in this court.

*Fedorova*, 2014 IL App (1st) 134037-U, ¶ 24. The law of the case doctrine prohibits reconsideration of issues that were decided in a prior appeal. *In re Christopher K.*, 217 Ill. 2d 348, 365 (2005).

¶ 48 Overall, defendant had 30 days from March 25, 2016, to file a notice of appeal, but she did not file a notice of appeal until May 16, 2016. As a result, her notice of appeal was untimely. When an appeal is untimely, we have no discretion to take any action other than dismiss the appeal. *Dus v. Provena St. Mary's Hospital*, 2012 IL App (3d) 091064, ¶ 10. We further note in closing that "[t]here must be finality, a time when the case in the trial court is really over." *Sears v. Sears*, 85 Ill. 2d 253, 259 (1981). That time is now. We urge defendant to heed the trial court's orders to refrain from further filings.

¶ 49 For the foregoing reasons, this appeal is dismissed.

¶ 50 Appeal dismissed.