2018 IL App (1st) 172698-U

THIRD DIVISION
December 19, 2018

No. 1-17-2698

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

In re ESTATE OF WANDA GAWEL, Deceased	)	
	)	
(VLADESLAV SAVENKO and KRISPIN VON ROMANOV,	)	Appeal from the
	)	Circuit Court of
Petitioners-Appellants,	)	Cook County
	)	
v.	)	No. 06 P 4579
	)	
KRYSTYNA WANDA KUNYSZ, ZDZISLAW ALEKSANDER GAWEL, LUDWIK JAROSZ, ALICJA BOJDA, EMILIA KISALA, and TADEUSZ JOSEF GAWEL,	)	The Honorable Susan Coleman, Judge Presiding.
	)	
Respondents-Appellees).	)	

PRESIDING JUSTICE FITZGERALD SMITH delivered the judgment of the court. Justices Ellis and Cobbs concurred in the judgment.

ORDER

¶ 1 *Held:* Trial court abused its discretion when it denied attorney leave to file appearance on behalf of self-represented litigant presenting a motion for leave to vacate dismissal for want of prosecution of litigant's petition to amend order of heirship.

¶ 2 The action giving rise to this appeal involves a dispute concerning the heirship of Wanda

Gawel ("decedent"), who died intestate in Cook County leaving an estate valued at several million dollars. The parties to this appeal all purport to be heirs to the decedent's estate. The petitioners-appellants are brothers Vladeslav Savenko and Krispin von Romanov. In the trial court, they sought to amend the order of heirship to establish that they were the grandchildren of a half-sister of the decedent and thus the decedent's sole heirs. The respondents-appellees are Krystyna Wanda Kunysz, Zdzislaw Aleksander Gawel, Ludwik Jarosz, Alicia Bojda, Emilia Kisala, and Tadeusz Jozef Gawel. All of the respondents are either first cousins of the decedent or the children or spouses of deceased first cousins of the decedent, and they deny that the petitioners are actually related to the decedent. This appeal arises out of an order by the trial court denying leave to attorney Leonard J. LeRose, Jr., to file an appearance on behalf of one of the petitioners. The petitioners argue the trial court abused its discretion in denying LeRose leave to appear. For the reasons that follow, we agree that the trial court abused its discretion. We reverse the trial court and remand this case for further proceedings.

¶ 3 BACKGROUND

¶ 4 On June 23, 2006, the Cook County Public Administrator filed a petition seeking the issuance of letters of administration for the estate of the decedent, who died intestate in Chicago on May 24, 2006. The petition stated that the identity of the decedent's heirs was unknown, as was the value of her estate. The petition was presented to the trial court on August 1, 2006, and letters of office as supervised administrator issued to the Public Administrator on that date. The order declaring heirship entered that day stated that no heirs were known.

¶ 5 One year later, on August 3, 2007, the law firm of Hinshaw & Culbertson LLP filed an appearance on behalf of Oleg Savenko as an interested party. Oleg Savenko is a resident of Lviv, Ukraine. Nothing further was filed on behalf of Oleg Savenko until December 1, 2008, as

discussed below.

¶ 6 No further information concerning the heirship of the decedent was introduced into the case until January and February 2008, when two separate motions to amend the order of heirship were filed. The first such motion was filed by Michael B. Susman, which was supported by his own affidavit. In that affidavit, Susman stated that he was an attorney whose practice area included establishing heirships on behalf of clients in the United States and Europe. He stated he had investigated the heirship of the decedent through documents of vital statistics and correspondence with attorneys in the United States and Germany. The second motion was filed by a law firm on behalf four of the respondents, and it was supported by an affidavit of heirship by respondent Emilia Kisala. Together the two motions and affidavits establish the following concerning the heirship of the decedent.

¶ 7 The decedent died having never married, and she never had children. Both of her parents predeceased her. She had two brothers, both of whom also predeceased her. Neither of her brothers ever married or had children. Her father had been married at least once prior to marrying the decedent's mother, and out of that prior marriage the decedent had a half-brother. However, that half-brother also predeceased the decedent, having never married or had children. The decedent's father had three brothers, all of whom predeceased the decedent. Two of those three brothers had children. Respondents Emilia Kisala and Tadeusz Jozef Gawel are the children of the decedent's father's brother Marcin Gawel, and thus they are first cousins of the decedent. The decedent's father's other brother, Kacper Gawel, had two children, Wladyslaw Gawel and Krzystofa Jarosz (nee Gawel). As of February 2008, Krzystofa Jarosz (nee Gawel) was alive, but Wladyslaw Gawel was deceased. Respondents Krystyna Wanda Kunysz and Zdzislaw Aleksander Gawel are the children of Wladyslaw Gawel. No maternal heirs existed

who were closer in degree of kinship than these paternal cousins of the decedent. Based on these affidavits, on February 11, 2008, an order amending heirship was entered finding that the decedents' only heirs at law were: Emilia Kisala, Tadeusz Jozef Gawel, Kryzystofa Jarosz (nee Gawel), Krystyna Wanda Kunysz, and Zdzislaw Aleksander Gawel.[1]

¶ 8 On December 1, 2008, a petition was filed by Hinshaw & Culbertson on behalf of Oleg Savenko, seeking to amend the order of heirship that had been entered on February 11, 2008. Attached to that petition was a report by a professional genealogist and investigator, Harvey E. Morse, indicating that the decedent's father had actually been married three times, not two. The third marriage, to Barbara Cebula, was alleged to have occurred on March 31, 1913, in the city of Lviv, which was then part of Poland but now part of Ukraine. Out of that alleged marriage was born one daughter, Maria Gawel, who would be a half-sister of the decedent. Oleg Savenko was alleged to be the son of Maria Gawel, and thus the grandson of the decedent's father and a nephew of the decedent. This would make Oleg Savenko the decedent's sole heir, to the exclusion of any collateral heirs.

¶ 9 The respondents filed a response to Oleg Savenko's petition, which denied its material allegations. The case proceeded to discovery. During discovery, the respondents tendered a report from an expert genealogist, Brian J. Lenius, concluding that the purported marriage record from 1913 between the decedent's father and Barbara Cebula was a forgery. On August 4, 2009, the trial court entered an order indicating that it would seek to retain an independent genealogist to investigate the claim as to the authenticity of the marriage, and it sought recommendations from the parties as to who should be appointed. The record reflects that significant difficulty

[1] On September 4, 2013, a petition was filed to spread of record the death of Krzysztofa Jarosz (nee Gawel), who died on October 30, 2010. Attached to that petition was an inheritance certificate establishing that her only heirs-at-law were respondents Ludwik Jarosz (her husband) and Alicja Bojda nee Jarosz (her daughter).

arose in finding a genealogist who had the necessary knowledge, skill, and expertise in researching the authenticity of Polish and Ukrainian marriage records, but who was also "independent" of the various genealogical research and heir-finding firms and the expert witnesses already involved in the case. At one point the trial court appointed an independent expert genealogist, but he was later disqualified due to his close professional affiliation with Lenius. The respondents also filed a motion to have the trial court appoint an independent expert to test and analyze the ink composition used in the record book of marriages in which the purported marriage was recorded, to determine if it was consistent with the entry having actually been written in 1913.

¶ 10 The issues concerning the appointment of independent experts remained unresolved as of August 23, 2010, when Hinshaw & Culbertson filed a motion to withdraw as counsel for Oleg Savenko. That motion was granted on September 16, 2010. On October 21, 2010, attorney Robert J. Ralis appeared on behalf of Oleg Savenko. For reasons that are not clear from the record, the court file reflects no further activity occurring between December 2, 2010 and June 18, 2013, when attorneys for the Public Administrator had a subpoena for business records issued to the National State Migration Services of the Ukraine. On July 19, 2013, an additional appearance was filed on behalf of Oleg Savenko by the law firm of Gardiner Koch Weisberg & Wrona ("Gardiner"). That same day, the Gardiner law firm issued interrogatories and production requests to the respondents. On September 5, 2013, Oleg Savenko died.

¶ 11 On June 14, 2014, attorneys for the Public Administrator filed a motion to dismiss Oleg Savenko's petition to amend heirship for want of prosecution. The parties briefed this motion, with the Gardiner law firm filing a response representing that Oleg's sons and heirs, Krispin von Romanov ("Krispin") and Vladislav Savenko ("Vladislav"), wished to substitute as petitioners in

place of their father. In an affidavit attached to this motion, Krispin stated that he was attempting to obtain a certificate of heirship. However, he was living in Germany, and the certificate of heirship had to be obtained in Ukraine. He stated that travel to Ukraine was dangerous after November 2013 due to mass antigovernment protests occurring there. He stated that the situation in Ukraine had stabilized as of June 2014 following its presidential elections, and he was immediately traveling to Lviv to obtain the necessary documents to establish his right of inheritance. On October 1, 2014, the trial court granted the Public Administrator's motion to dismiss Oleg Savenko's petition to amend heirship without prejudice.

¶ 12 On October 1, 2014, petitioners Krispin and Vladislav filed a petition to substitute parties and amend the order of heirship. However, on October 27, 2014, that petition was stricken by the trial court. On October 31, 2014, the Gardiner law firm filed appearances on behalf of petitioners Krispin and Vladislav as well as a new petition on their behalf to amend the February 11, 2008, heirship order. The Public Administrator filed an answer to that petition on February 2, 2015, which the respondents adopted as their own.

¶ 13 In late December 2014, the attorney for the Public Administrator issued a notice to take the evidence depositions of the petitioners. Initially, these depositions were noticed to be taken in Lviv, Ukraine. However, the Public Administrator's attorney later took the position that the depositions needed to be taken in Chicago. On February 5, 2015, the petitioners filed a motion requesting that the trial court enter an order allowing their depositions to proceed by remote electronic means. This motion was continued several times, and on June 11, 2015, the trial court entered an order requiring a firm date for Krispin's deposition to occur in Cook County, Illinois. On August 24, 2015, the trial court entered an order requiring certain respondents to answer outstanding written discovery.

¶ 14 On October 26, 2015, Krispin traveled to Chicago where his videotaped evidence deposition was taken by the Public Administrator. A technician was also present that day who took a DNA sample from Krispin for testing. On January 21, 2016, the Public Administrator served requests to admit facts, interrogatories, and a production request on the petitioners. Various records subpoenas were issued by the Public Administrator to the genealogical research firms associated with the petitioners' claims.

¶ 15 On August 26, 2016, the petitioners disclosed five Supreme Court Rule 213(f)(3) controlled expert witnesses. Ill. S. Ct. R. 213(f)(3) (eff. Jan. 1, 2007). Two of these were genealogists who would testify as to the genealogical investigation performed into the marriage between the decedent's father and Barbara Cebula in 1913 as well as facts and opinions bearing on the authenticity of the marriage record at issue. They also disclosed a "Doctor of Juridicial Science" from the Republic of Poland to explain the nature of the investigation that Polish authorities had taken to establish that Oleg Savenko, a resident of Ukraine, was eligible for permanent residency in Poland stemming from his maternal grandparents, Barbara Cebula and the decedent's father. They disclosed an archivist associated with the Central State Historical Archive of Ukraine in Lviv to testify concerning the authenticity of the marriage record at issue, including through scientific testing of the ink composition. Finally, they disclosed a Roman Catholic priest from a Ukrainian church in New York to testify regarding the recordkeeping practices of Ukranian Catholic churches and his investigation into the authenticity of the marriage record at issue.

¶ 16 The Public Administrator also disclosed two independent expert witnesses and one controlled expert witness on August 25, 2016. Both independent expert witnesses were forensic examiners from Ukraine, who were expected to testify concerning their examination of the alleged marriage record at issue. They were both disclosed to testify that, based on certain

characteristics of the records, they were fraudulently made or not authentic. The Public Administrator's controlled expert witness was an employee of the Ukranian Bar Association of Foreign Affairs, an organization which conducts genealogical research to prove kinship in probate cases pending in the United States and other countries. That witness was disclosed to testify that, based on her investigation, the marriage record at issue was not authentic and that further, based Oleg Savenko's birth records, his passport application, and information from the Savenko family burial plot, the petitioners do not have any familial relationship to the decedent.

¶ 17 On January 25, 2017, the Gardiner law firm and Ralis filed a motion to withdraw as counsel for petitioners. An amended motion to withdraw was filed February 2, 2017. That motion noted that no trial was presently scheduled and the case was not close to being ready for trial. It noted that none of the eight expert witnesses had been deposed as of that time. It further noted that the DNA testing was still not completed. The attorneys seeking to withdraw stated that counsel for the Public Administrator had told them on several occasions that they were in possession of DNA from the decedent that could be tested against the DNA sample that had obtained from Krispin at his deposition. The withdrawing attorneys' motion stated that the DNA testing in this case could very likely be dispositive.

¶ 18 The trial court granted the motion to withdraw on February 6, 2017. The petitioners were given until February 27, 2017, to file a supplementary appearance or have a new attorney file an appearance. The case was continued to March 13, 2017. On February 22, 2017, both petitioners filed supplementary appearances.

¶ 19 According to the parties' briefs, at the March 13, 2017, court appearance, two attorneys appeared and advised the trial court that they may be filing appearances in the case on behalf of the petitioners, but they had not been retained or decided to take the case. These attorneys were

Leonard J. LeRose, Jr., and James G. Riley, who was formerly a judge in the probate division of the circuit court. The trial court entered an "agreed order" that day, which stated, "Appearance to be filed on behalf of European proposed heirs shall be filed in 14 days." The case was continued to April 25, 2017, and attorney Riley again appeared in court on the matter that day, although neither he nor any other attorney had filed a written appearance on behalf of the petitioners. On that date, the trial court dismissed the petitioners' petition to amend the order of heirship for want of prosecution. The trial court set the estate to close on May 30, 2017, which was then continued to July 21, 2017.

¶ 20 On May 24, 2017, Krispin, acting *pro se*, filed a motion to vacate the dismissal for want of prosecution. Although the notice of motion in the court record does not reflect a date for presentment, the respondents' brief confirms the motion was noticed for July 21, 2017. On that date, attorneys LeRose and Riley appeared before the trial court on the matter and sought to appear on behalf of Krispin. The attorneys presented to the trial court a written petition for leave to file their appearance, which represented that Krispin had retained them as counsel.

¶ 21 No transcript or bystander's report from the July 21, 2017, court hearing is included in the record on appeal. However, the court orders entered that day reflect that the trial court denied leave to attorneys LeRose and Riley to file appearances on behalf of Krispin. The court further stated in its order that it found no reasonable grounds upon which to vacate the dismissal for want of prosecution entered April 25, 2017, and thus Krispin's motion to vacate was denied. The trial court then entered a separate order approving the final account, discharging the Public Administrator, and closing the estate.

¶ 22 On August 21, 2017, Krispin, again acting *pro se*, filed a motion to reconsider. That motion stated that counsel had attempted to appear on his behalf at the hearing on July 21, 2017, but

were denied leave to do so. The petition stated that Krispin had "new evidence," in the nature of an official forensic analysis by the Ukrainian government on the archival documents at issue, including the marriage record. The purported government report was attached to the motion. On October 11, 2017, the trial court struck the motion to reconsider when no one appeared in court to present it. On November 2, 2017, the petitioners filed a notice of appeal.

¶ 23 ANALYSIS

¶ 24 On appeal, the petitioners argue that the trial court abused its discretion when it denied attorney LeRose leave to file an appearance on Krispin's behalf at the hearing on the motion to vacate the dismissal for want of prosecution on July 21, 2017.[2] We first address the respondents' argument that the record on appeal is insufficient to permit our review of this issue, because it does not contain a transcript of the proceedings that occurred in the trial court on that date. The respondents are correct that the petitioners, as appellants, have the burden of providing this court with a sufficiently complete record on appeal to support their claim of error. *Balough v. Northeast Ill. Regional Commuter R.R. Corp.*, 409 Ill. App. 3d 750, 770-71 (2011). While we may consider issues raised by reference to the common law record, any doubts raised by insufficiencies in the record must be resolved against the petitioners based on their burden to provide complete record. *Id.* On this point, the respondents argue that the petitioners have characterized the trial court's sole rationale for denying LeRose leave to appear as being the fact that the case was "too old." They argue there is no basis in the record on appeal to support this statement. The petitioners argue that this court can rely on the assertion in Krispin's motion to reconsider that this was the basis upon which the trial court denied LeRose leave to appear. They

[2] In the trial court, both LeRose and Riley sought leave to file appearances on behalf of Krispin. On appeal, the petitioners do not dispute that the trial court had a basis for denying Riley leave to appear. As stated above, Riley was formerly a judge in the probate division, and when he was in that role he had entered an agreed order in the case on August 4, 2016, when Judge Coleman was not present.

point out that in *Sullivan v. Eichmann*, 213 Ill. 2d 82, 89-90 (2004), the supreme court determined that, although the record before it did not include a transcript of the court appearance at which the trial court denied leave to an attorney seeking to substitute his appearance on behalf of the plaintiff, the record was sufficient to permit it to review the trial court's decision to do so. Here, we agree with the respondents that the petitioners have not provided an adequate record to support an argument that the reason the trial court denied LeRose leave to appear on behalf of Krispin was because the case was "too old," and we will not consider such statement in our review of the issue. We do, however, take notice that the estate had been open for almost 11 years as of July 21, 2017. We proceed to review the issue based on the common law record.

¶ 25 Turning to the merits, the petitioners argue that the trial court had no right to deny attorney LeRose leave to appear on behalf of Krispin, as "[l]eave is not required when an attorney seeks to enter an appearance." *Sullivan*, 213 Ill. 2d at 90 (citing *Firkus v. Firkus*, 200 Ill. App. 3d 982, 990 (1990)). They further cite the requirement of Supreme Court Rule 13(c)(1) that "[a]n attorney shall file a written appearance or other pleading before addressing the court unless the attorney is presenting a motion for leave to appear by intervention or otherwise." Ill. S. Ct. R. 13(c)(1) (eff. July 1, 2017).

¶ 26 Based on these principles of law, the petitioners argue that the trial court should have granted LeRose leave to appear. They argue that, despite the fact that the estate had been open since 2006, the age of the case was not a reason to deny LeRose leave to file an appearance so that the heirship dispute could be resolved on the merits instead of through dismissal for want of prosecution. They cite to the fact that the heirs taking the estate are the decedent's distant cousins who live in Europe and never even knew the decedent when she was alive. They further point to the fact that, through at least the end of 2011, the Public Administrator was continuing to find

new estate assets and file supplemental inventories. They argue that the dispute about heirship was relatively close to being resolved on the merits, as both sides had disclosed expert witnesses and an analysis of DNA samples that had already been taken from Krispin and the decedent would likely show whether the petitioners and the decedent were in fact related.

¶ 27 This court agrees with the petitioners that the trial court abused its discretion when it denied attorney LeRose leave to appear on behalf of Krispin when he attempted to do so at the hearing on July 21, 2017. As both parties note in their briefs, leave is not required when an attorney seeks to enter an appearance on behalf of a litigant. *Sullivan*, 213 Ill. 2d at 90; *Firkus*, 200 Ill. App. 3d at 990. However, the fact that LeRose did request leave to appear as Krispin's attorney at the hearing does not mean that the trial court could decline to recognize him as Krispin's attorney, so that he could argue the motion to vacate the dismissal for want of prosecution on Krispin's behalf. When the trial court did so, it effectively left Krispin unrepresented by counsel despite the fact that an attorney was present in court attempting to represent him with respect to the motion. This constitutes an abuse of discretion by the trial court.

¶ 28 We agree with the petitioners that the situation in this case is analogous to the situation addressed by the supreme court in *Sullivan*. That was a medical negligence case in which, after the plaintiff's first attorney failed to disclose an expert witness to support the position that the defendant deviated from the standard of care, the defendant moved for summary judgment. *Sullivan*, 213 Ill. 2d at 85-86. At the hearing on the motion for summary judgment, the plaintiff's first attorney appeared along with a new attorney who presented a signed agreement to substitute as counsel on behalf of the plaintiff. *Id.* at 87. The trial court denied leave to the new attorney to substitute as counsel on behalf of the plaintiff. *Id.* It then proceeded to hear argument on the motion for summary judgment, and with the plaintiff's first attorney making no argument, the

trial court granted the motion for summary judgment. *Id.* The plaintiff filed a motion to reconsider the granting of summary judgment, which the trial court denied. *Id.* at 88.

¶ 29 The supreme court held that the trial court had abused its discretion in denying the new attorney leave to substitute his appearance on behalf of the plaintiff prior to hearing argument on the motion for summary judgment. *Id.* at 94. It noted the rule that leave is not required when an attorney seeks to enter an appearance, and a second attorney may enter an appearance even if the client is already represented by an attorney. *Id.* at 90-91. However, it recognized that a trial court may deny substitution of attorneys if doing so would unduly prejudice the other party or interfere with the administration of justice, and in making this determination a trial court may consider the prejudice to the moving party caused by the denial of substitution. *Id.* at 91.

¶ 30 The supreme court rejected the defendant's argument that allowing the substitution would delay the administration of justice, as the issue of the defendant's deviation from the standard of care was the subject of the motion for summary judgment. *Id.* at 92. It recognized the prejudice that the denial of substitution caused to the plaintiff, by denying her representation by counsel of her choice to participate in the arguments and prosecute her cause of action. *Id.* at 92-93. Finally, it rejected the argument that the plaintiff suffered no prejudice because the plaintiff would have lost the motion for summary judgment with or without argument from her new counsel, stating:

> "We do not know what would have occurred had the trial court allowed the substitution. As noted during oral arguments before this court, it is clear that Sullivan's new counsel had the necessary evidence to overcome summary judgment and could easily have provided his own affidavit to the court if called upon to do so once his appearance was permitted. It is possible that Sullivan's new counsel would have requested a short continuance to obtain the expert's written affidavit and that this

> continuance would have been granted. Such speculation, however, is neither appropriate nor necessary here. Under the circumstances in this case, the decision to deny substitution foreclosed the possibility of any measures to overcome summary judgment. Dr. Eichmann's assertion that Sullivan was not prejudiced ignores the reality that the act of denying substitution barred events that would have likely led to the denial of summary judgment or, alternatively, would now serve as evidence of prejudice. We will not let one incorrect ruling—the denial of substitution—justify another—the grant of summary judgment." *Id.* at 93-94.

¶ 31 Although *Sullivan* involved the denial of leave to substitute attorneys and this case involves the denial of leave to attorneys to appear on behalf of a self-represented litigant, we find its reasoning applicable here. As was the case in *Sullivan*, here attorneys appeared in court seeking to represent Krispin in the motion to vacate the dismissal for want of prosecution, and the trial court denied those attorneys leave to do so. The trial court then proceeded to deny the petition to vacate the dismissal for want of prosecution, even though Krispin was unrepresented by counsel. As was the situation in *Sullivan*, we believe this was an abuse of discretion.

¶ 32 We have no dispute with the rule that *substitution* of attorneys may be denied where allowing it would cause undue prejudice to the opposing party or interfere with the administration of justice. *Id.* at 91. However, the situation before the trial court here did not involve substitution. The petitioners' previous attorneys had already been granted leave to withdraw. Thus, as of July 21, 2017, Krispin was a self-represented litigant with a motion pending before the court. Two attorneys were present in court and attempted to appear and present the motion on his behalf, but the court denied them leave to do so. The prejudice caused to Krispin by leaving him unrepresented in this situation far outweighs any prejudice to the

respondents or the Public Administrator or concerns about the efficient administration of justice.

¶ 33 The respondents argue that we should affirm the trial court's denial of leave to LeRose to appear on behalf of Krispin because he did not seek to appear until the "twelfth hour." They point out that the trial court had initially directed that any appearances on behalf of the petitioners be filed by March 27, 2017, which did not occur, and that attorney Riley stepped up on the matter when it was before the court on April 25, 2017, without filing an appearance then either. They argue that the timing of the request for leave to appear provided the trial court with sufficient basis for denying LeRose leave to file his appearance. We disagree. As discussed above, Krispin was a self-represented litigant with a motion pending before the trial court on July 21, 2017, and LeRose appeared in court that day seeking leave to appear on Krispin's behalf to present that motion. He was denied the ability to appear, and, with Krispin unrepresented, the motion to vacate was denied. We find this to be an abuse of discretion, notwithstanding the fact that there were also previous opportunities when counsel could have appeared on Krispin's behalf.

¶ 34 Further, we reject any argument by the petitioners that the trial court would have refused to vacate the dismissal for want of prosecution regardless of whether Krispin was represented by counsel or not. This argument was rejected in *Sullivan*, and in paragraph 30 above we set forth at length a quote from that case to emphasize that we do not know how the trial court would have ruled on the motion to vacate the dismissal for want of prosecution if attorney LeRose had been allowed to present it on Krispin's behalf. It could be that counsel could have persuaded the trial court that substantial justice would be done among the parties if the petition were tried on its merits instead of through dismissal for want of prosecution. See generally *Federal Nat'l Mortg. Ass'n v. Tomei,* 2014 IL App (2d) 130652, ¶ 12 (discussing standards for vacating dismissals for

want of prosecution). We express no opinion about whether the dismissal for want of prosecution should be vacated. We simply hold that Krispin must be given the opportunity to be represented by an attorney when the motion seeking that relief is presented to the trial court.

¶ 35 CONCLUSION

¶ 36 For the reasons set forth above, we hold that the trial court abused its discretion by denying leave to attorney Leonard J. LeRose, Jr., to appear on behalf of petitioner Krispin von Romanov at the court appearance of July 21, 2017, and present the petitioner's petition to vacate the dismissal for want of prosecution was scheduled for presentment. We vacate the orders entered on July 21, 2017, and remand the case for further proceedings before a different judge.

¶ 37 Reversed and remanded with instructions.