

SUPREME COURT OF ILLINOIS

TUESDAY, SEPTEMBER 9, 2003

THE FOLLOWING ANNOUNCEMENTS WERE MADE:

PEOPLE'S DOCKET

No. 91534 - People ex rel., Kevin W. Lyons, etc., movant, v. Hon. Michael E. Brandt, Judge of the Tenth Judicial Circuit Court, et al., respondents.

Motion by movant for a supervisory order. Motion denied.

Order entered by the Court.

CIVIL DOCKET

Nos. 93678 - Stephen Young, etc., et al., appellees, v. Bryco
93685 Arms et al., appellants.

93728

Cons. Suggestion of Bankruptcy filed by B.L. Jennings, Inc.

It is ordered that the appeal of B.L. Jennings, Inc., is stayed pursuant to the automatic stay provision of 11 U.S.C. 362. The remaining appeals in this case remain pending. The automatic stay does not affect any other party in these cases.

Order entered by the Court.

SUPREME COURT OF ILLINOIS

CALL OF THE DOCKET, TUESDAY, SEPTEMBER 9, 2003

No. 90151 - In re Detention of Herbert Varner (People State of Illinois, appellee, v. Herbert Varner, appellant). Appeal, Appellate Court, Second District.

Oral argument by Kathleen J. Hamill for appellant and by Lisa A. Hoffman for appellee. Submitted. Agenda 1.

NO. 92843 - People State of Illinois, appellee, v. Samuel Morgan, appellant, Appeal, Circuit Court (Cook).

Oral argument by Matthew J. O'Hara for appellant and by Marie Quinlivan Czech for appellee. Submitted. Agenda 2.

Nos. 93806 - People State of Illinois, appellant, v. Jesus
93834 Fidel Morales et al., appellees. Appeal,
cons. Appellate Court, First District.

Oral argument by Tracey K. Annen and James P. McKay, Jr., for appellant and by Andrea D. Lyon, Tim Roellig and Robert Novelle for appellees. Submitted. Agenda 3.

NO. 93970 - People State of Illinois, appellant, v. Mariusz Sienkiewicz, appellee. Appeal, Appellate Court, Second District.

Oral argument by Mary Beth Burns for appellant and by Peter C. Wachowski for appellee. Submitted. Agenda 4.

No. 94425 - People State of Illinois, appellee, v. Richard D. Campbell, Jr., appellant. Appeal, Appellate Court, Fourth District.

Oral argument by Gary R. Peterson for appellant and by Mary Beth Burns for appellee. Submitted. Agenda 5.

No. 94479 - In re D.F. et al., Minors (People State of Illinois, appellee, v. L.F., appellant). Appeal, Appellate Court, First District.

Oral argument by Karen Margaret Florek for appellant and by Peter Maltese and Kass A. Plain for appellee. Submitted. Agenda 6.

SUPREME COURT OF ILLINOIS

COURT CONVENED AT 9:30 A.M., TUESDAY, SEPTEMBER 9, 2003

THE FOLLOWING ANNOUNCEMENTS WERE MADE:

PEOPLE'S DOCKET

No. 96394 - Anthony Porter, movant, v. People State of Illinois, respondent.

Motion by movant to recall the mandate of the Appellate Court, First District, in People v. Porter, No. 1-00-1219, and to issue a supervisory order or, in the alternative, for leave to file a late petition for leave to appeal. Motion allowed in Dart. The request to file a late petition for leave to appeal is allowed, and the petition is due on or before October 14, 2003. The Appellate Court, First District, is directed to recall its mandate in People v. Porter, No. 1-00-1219.

Order entered by the Court.

CIVIL DOCKET

No. 96582 - Diane Killinger, etc., respondent, v. Abbott Laboratories Inc., et al., movants.

Amended motion by movants to transfer case No. 03-L-20 Olinser, et al. v. Abbott Laboratories et al. from Madison County and case No. 03 L 008078 Mosbah v. Abbott Laboratories et al. from Cook County and to consolidate these two cases with Lake County case No. 02 L 934, Killinger et al. v. Abbott Laboratories, Inc., et al., for all proceedings. Motion allowed.

Order entered by the Court.

No. 96780 - Richard M. Daley, etc., et al., movants, v. Hon. Susan Fayette Hutchinson, Justice of the Appellate Court, Second District, et al., etc., respondents.

Motion by movants for a supervisory order. Motion allowed. In the exercise of this court's supervisory authority, the Appellate Court, Second District, is directed to vacate as moot its judgment in Philip, et al. v. City of Chicaso. et al., No. 2-02-0749. The circuit court of DuPage County is directed to vacate as moot its judgment in Philip, et al. v. City of Chicaso. et al., DuPage County No. 02 MR 528. The circuit court is further directed to vacate its orders of March 5, 2002, and July 17, 2002, which dismissed certain counts of the complaint with prejudice, and to enter an order dismissing the entire complaint without prejudice as moot. It is further ordered that the petition for leave to appeal in Philip, et al. v. City of Chicaso, et al., No. 96517 is denied as moot.

Order entered by the Court.

LEAVE TO APPEAL DOCKET

No. 96563 - People State of Illinois, petitioner, v. Melody T. Burdunice, respondent.

Motion by respondent for release on her own recognizance or to set a reasonable bond. Motion allowed. Respondent Melody Burdunice shall be released on posting bond in the amount of \$10,000, 10% provision to apply, pending disposition of the petition for leave to appeal in this Court.

Order entered by the Court.

No. 96829 - Dallas Johnson, respondent, v. Beatrice Mae Johnson, petitioner.

Motion by petitioner for leave to file petition for leave to appeal instanter. Motion allowed.

Order entered by Justice Garman.

No. 96839 - People State of Illinois, respondent, v. Alan W Breedlove, petitioner.

Motion by respondent to update the opinion of the Appellate Court, Third District. Motion allowed.

Order entered by Justice Freeman.

No. 96884 - Larry Flynn, petitioner, v. Illinois Industrial Commission (Utica Towndhip et al., petitioners).

Motion by petitioner for leave to file petition for leave to appeal instanter. Motion allowed.

Order entered by Justice Freeman.

MISCELLANEOUS RECORD

M.R.18954 - In re: Cornelius Thomas Ducey, Jr. Disciplinary Commission.

Motion by Mary Porgy through her attorney W. Jeffrey Muskopf to quash a subpoena issued by Cornelius Thomas Ducey, Jr. Motion allowed.

Order entered by Justice Rarick.

THE FOLLOWING MOTIONS WERE PRESENTED AND ORDERS WERE ENTERED AS INDICATED:

ADVISEMENT DOCKET

No. 95825 - Christian C. Ibeagwa, petitioner, v. The Habitat Company, respondent.

Motion by petitioner, pro se, for leave to file petition for reconsideration of this Court's order of August 13, 2003.

Motion by petitioner, pro se, for leave to file petition for reconsideration of this Court's order of August 19, 2003.

PEOPLE' S DOCKET

No. 93508 - People State of Illinois, appellant, v. Frank Smith, appellee.

Motion by appellant to dismiss the appeal, issue the mandate forthwith, and remand to the trial court for further proceedings. Motion allowed.

Order entered by Justice Freeman.

No. 94971 - People State of Illinois, appellant, v. Brian Cunningham, appellee.

Motion by appellee for an extension of time for filing brief to and including October 14, 2003. Motion allowed.

Order entered by Justice Freeman.

No. 96367 - People State of Illinois, appellant, v. Gerald Scott Huddleston, appellee.

Motion by appellant for an extension of time for filing brief to and including September 19, 2003. Motion allowed.

Order entered by Justice Garman.

CIVIL DOCKET

No. 95818 - Scott Radinsky et al., appellees, v. Kenneth Zehnder, etc., et al., appellants.

Motion by appellants for an extension of time for filing brief to and including October 7, 2003. Motion allowed. Final extension.

Order entered by Justice Freeman.

No. 95854 - Lisa M. Shannon et al., appellees, v. Boise Cascade, etc., appellant.

Motion by the Illinois Trial Lawyers Association for leave to file a brief as amicus curiae instanter in support of appellees. Motion allowed.

Order entered by Justice Garman.

No. 95878 - Muller Law Firm, appellee, v. Samuel King, appellee (Kenneth Swiatek et al., appellants).

Motion by appellee for leave to cite additional authority *instanter*.

Motion by appellants to strike portions of appellee's brief. Motion taken with the case.

Order entered by Justice Garman.

No. 96799 - Larry R. Wetzell, movant, v. Hon. Scott Mansfield, Associate Judge for the 20th Judicial Circuit, et al., etc., respondents.

Motion by movant, *pro se*, for collateral attack.

No. 96901 - Archer-Daniels-Midland Company, movant, v. Hon. Nicholas G. Byron, Judge of Third Judicial Circuit, et al., etc., respondents.

Motion by movant for stay of proceedings in the Circuit Court of Madison County in Sharon Enaland Inc., etc. v. Archer-Daniels-Midland Company et al., case No. 02-L-1201, pending disposition of movant's motion for a supervisory order.

No. 96915 - Dominick Giampaolo, movant, v. Hon. Joseph S. Bongiorno, Associate Judge for the 18th Judicial Circuit, et al., respondents.

Motion by movant, *pro se*, for a supervisory order.

No. 96920 - Union Carbide Corporation, appellant, v. Thomas Knight et al., appellees.

Motion by appellant for direct appeal pursuant to Supreme Court Rule 302(b) or, in the alternative, motion for a supervisory order.

Emergency motion by appellant for stay of circuit court proceedings pending resolution of appellant's motion for direct appeal or, in the alternative, motion for a supervisory order.

LEAVE TO APPEAL DOCKET

No. 94836 - Rita Langenhorst, etc., respondent, v. Norfolk Southern Railway Company, etc., et al., petitioners.

Motion by petitioners for leave to cite additional instanter. Motion allowed.

Order entered by Justice Garman.

No. 95885 - Carolyn Bottoms, petitioner, v. Civil Service Commission, etc., et al., respondents.

Motion by petitioner, pro se, for an extension of time for filing petition for leave to appeal to and including September 16, 2003. Motion allowed. Final extension.

Order entered by Justice Freeman.

No. 96466 - Ronald Adams, Ex'r., respondent, v. Alvern A. Engwall, petitioner.

Motion by respondent to strike or dismiss various motions of petitioner pursuant to Supreme Court Rule 361. Motion denied.

Order entered by Justice Freeman.

No. 96513 - Theresa Gajdos, petitioner, v. Duncan Tabb Wierengo et al., respondents.

Motion by petitioner for an extension of time for filing petition for leave to appeal to and including September 12, 2003. Motion allowed. Final extension.

Order entered by Justice Freeman.

No. 96746 - Mark Schwankl et al., petitioners, v. James H. Kim, M.D., et al., etc., respondents.

Motion by petitioners to strike certain portions of the answer to petition for leave to appeal. Motion denied.

Order entered by Justice Thomas.

- No. 96802 - Donald L. Cress, respondent, v. Recreation Services, Inc., et al., petitioners.
- Motion by petitioner to strike answer to petition for leave to appeal. Motion denied.
- Order entered by Justice Thomas.
- No. 96815 - Donald L. Cress, petitioner, v. Recreation Services, Inc., et al., respondents.
- Motion by respondents to strike petition for leave to appeal.
- No. 96833 - Allan Cameron et al., respondents, v. Village of Willow Springs, petitioner.
- Motion by petitioner for leave to file petition for leave to appeal instanter. Motion allowed.
- Order entered by Justice Freeman.
- No. 96867 - People State of Illinois, respondent, v. Erik A. Crompton, petitioner.
- Motion by petitioner to strike Lawrence W. Levin from representing petitioner and to permit Jonathan A. Backman to appear as counsel on appeal. Motion allowed.
- Order entered by Justice Garman.
- Motion by petitioner to stay further action on the petition for leave to appeal filed on August 25, 2003, and for leave to file a replacement petition for leave to appeal within twenty days. Motion allowed. Replacement petition due on or before September 30, 2003.
- Order entered by Justice Garman.
- No. 96882 - Lucille Ahmed, etc., respondent, v. Pero Vasilj et al., petitioners.
- Motion by petitioners for leave to file petition for leave to appeal instanter. Motion allowed.
- Order entered by Justice Freeman.

No. 96902 - James B. Clarage, respondent. v. Sheryl H. Kuzma, et al. (Michael Scully, petitioner).

Motion by petitioner for an extension of time for filing petition for leave to appeal to and including October 1, 2003. Motion allowed.
Petition for leave to appeal filed instanter this date.

Order entered by Justice Freeman.

No. 96910 - People State of Illinois, petitioner, v. Chad R. Pearson, respondent.

Motion by petitioner for leave to file petition for leave to appeal instanter. Motion allowed.

Order entered by Justice Thomas.

No. 96929 - Andrew J. Kalita, petitioner, v. Jessie White, Illinois Secretary of State, respondent.

Motion by petitioner for an extension of time for filing petition for leave to appeal to and including September 23, 2003. Motion allowed.

Order entered by Justice Freeman.

MISCELLANEOUS RECORD

M.R.12788 - In re: Appellate court Opinion.

Petition of the Appellate Court, Second District, to publish a dissent in excess of the five-page limit in K.S. a Minor (People v. Kevin S.), Appellate Court No. 2-02-0861.

M.R.18749 - In re: Howard Eugene Towles. Disciplinary Commission.

Motion by the Administrator of the Attorney Registration and Disciplinary Commission for an extension of time to and including September 24, 2003, to file answer to petition for leave to file exceptions. Motion allowed.

Order entered by Justice Freeman.

M.R.18957 - In re: Barbara Ann Perry, an attorney,
petitioner.

Motion by petitioner for leave to change her name
on the roll of attorneys from Barbara Ann Perry
to Barbara *Ann* Shelton. Motion allowed.

Order entered by Chief Justice McMorrow.

M.R.18965 - In re: Elaine Cindy Papadopoulos, an attorney,
petitioner.

Motion by petitioner for leave to change her name
on the roll of attorneys from Elaine Cindy
Papadopoulos to Elaine C. Davenport. Motion
allowed.

Order entered by Chief Justice McMorrow.

M.R.18966 - In re: Molly Elizabeth McFarlane, attorney,
petitioner.

Motion by petitioner for leave to change her name
on the roll of attorneys from Molly Elizabeth
McFarlane to Molly E. McManus. Motion allowed.

Order entered by Chief Justice McMorrow.

M.R.18967 - In re: Linda Elise Keck, an attorney, petitioner

Motion by petitioner for leave to change her name
on the roll of attorneys from Linda Elise Keck to
Linda Elise Antonietti. Motion allowed.

Order entered by Chief Justice McMorrow.

M.R.18969 - In re: Gina Lori Katz, an attorney, petitioner.

Motion by petitioner for leave to change her name
on the roll of attorneys from Gina Lori Katz to
Gina Katz Kellis. Motion allowed.

Order entered by Chief Justice McMorrow.

M.R.18970 - In re: Senta Jean Gaertner, an attorney,
petitioner.

Motion by petitioner for leave to change her name
on the roll of attorneys from Senta Jean Gaertner
to Senta Gaertner Plunkett. Motion allowed.

Order entered by Chief Justice McMorrow.