

In the Appellate Court of Illinois, First District

Gordon Wayne Watts,

Plaintiff,

vs.

Hon. James P. Flannery,
 in his capacity as presiding judge, Law Division,
Cook County, IL circuit court

and

Hon. Diane M. Shelley,
 in her capacity as circuit judge, Law Division,
Cook County, IL circuit court,

Defendants.

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Docket Number: 1-18-_____
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Petition for Writ of Mandamus

This is an original action brought by the plaintiff, Gordon Wayne Watts, in which he petitions for the issuance of a writ of mandamus (735 ILCS 5/14-102) directed to the Honourable James P. Flannery, respondent, who is presiding judge of the Law Division of the circuit court of Cook County, ordering him to grant fee waiver to a qualified defendant, who is a named party, and who meets statutory financial requirements for fee waiver to sue or defend, under the assumption that Watts' name, on the docket, is *prima facie* evidence of his status as a defendant and a named party, who qualifies for a fee waiver to sue or defend—and have the record on appeal prepared without costs so this court, in 1-18-0091, so This Court may hear, review, and decide this case. If, however, This Court, determines, as a matter of law, that Watts isn't a named defendant [the claim that Judge Flannery makes in his order, when he claimed that Watts wasn't given leave to participate (intervene)], plaintiff petitions for issuance of a writ of mandamus to compel the trial court to grant intervention, as This Court's case law has held. While we don't normally think of MANDAMUS being issued by an Appellate Court (such as This Court), Article VI, Sec. 6, of the Illinois Constitution actually does grant this power to this reviewing court:

SECTION 6. APPELLATE COURT - JURISDICTION

Appeals from final judgments of a Circuit Court are a matter of right to the Appellate Court in the Judicial District in which the Circuit Court is located except in cases appealable directly to the Supreme Court and

except that after a trial on the merits in a criminal case, there shall be no appeal from a judgment of acquittal. The Supreme Court may provide by rule for appeals to the Appellate Court from other than final judgments of Circuit Courts. **The Appellate Court may exercise original jurisdiction when necessary to the complete determination of any case on review.** The Appellate Court shall have such powers of direct review of administrative action as provided by law. (Source: Illinois Constitution.)

Translation: This Court may issue Writs of **Mandamus**, Prohibition, Habeas Corpus, or any other writ, in an exercise of its jurisdiction if needed to complete review of a case properly before it.

Argument:

Looking at the exhibits, we see Exhibit “A”, a proper motion to Intervene, and plaintiff documents in excruciating detail a mere fraction of his interests, which are not being represented by defendant, Daniggelis, whose attorney has gotten This Court very angry at him for failure to prosecute this case the last time it came before you, as documented by the June 16, 2016 ORDER, in case number 1-14-2751, by this court, royally chewing out Galic, the attorney for Daniggelis (see Exhibit “H”). Since Galic isn't doing his job, therefore, Watts' interests weren't being represented, thereby justifying intervention.

Assuming that Watts was justified in Intervening (both by this court's case law, cited in the Intervention motion) as well as to properly sue Younes (to defend his interests) and defend Daniggelis (for the same reason), Watts is a party, and thus qualifies for fee waiver, and by extension, preparation of the record on appeal in case number 1-18-0091—enforceable by mandamus.

In order for a writ of mandamus to be successful, (1) plaintiff must have a clear right to the relief requested; and, (2) the defendant must have a clear duty to perform the act in question. While state law does not have the third element [(3) no other adequate remedy must be available to the plaintiff], nonetheless, Watts may satisfy this element too: Watts represents to this court that Patricia A. O'Brien, the deputy chief of Civil Appeals, in the court below, told him by phone that no appeal could be considered if the record wasn't prepared, but the record can't be prepared unless he wins an appeal of the fee waiver denial (read: “catch-22”), so Mandamus appears to be the only remedy. (Unless the court could consider an appeal on a partial, stipulated, record, which seems difficult at best.) One of the interesting aspects of Illinois mandamus statutes is that, unlike their federal counterparts, the petitioner isn't required to show that “no other adequate means [exist to attain the relief]” *Allied Chemical Corp. v. Daiflon, Inc.*, 449 U.S. 33, 35 (1980) (per curiam); *Holmes v. United States Bd. of Parole*, 541 F.2d 1 243, 1 249 (7th Ci r. 1 976).

Nonetheless, Watts may satisfy this element too.

Looking at the exhibits, we see Ex.A, plaintiff's Intervention motion, giving clear proof that he has a right to intervene, and be a named party. This court (Exhibit "B") granted fee waiver, and Watts applied for the same in the court below (Exhibit "C"). But they had a different legal analysis (Ex.D), violating the "Law of the Case," and contradicting both this court's holding (Ex.B) as well as the case law on this. (This court reviews issues of law *de novo*, as you have just as good a view as the trial court.) Exhibit "E" is a bookkeeping issue, showing which service addresses are outdated—and, more-importantly, showing that the plaintiff (and unknown nonLawyer, who is poor, and not local) attempts to comply with the letter, and Spirit, of the law in re service of filings. Exhibit "F" is a selected order in the case in question, where even the judge who ruled wrongly documents massive mortgage fraud. Then, Exhibit "G", the docketing statement, by plaintiff, in 1-18-0091, is a snapshot of this case, giving a concise summary of the various mortgage fraud. In Exhibit "H", we see this court chew out Galic, the attorney of the other main defendant, giving rise to justifying claims Watts' interests weren't being represented.

Finally – **This Court violated a direct command of the Illinois Supreme Court, here recently, in a related case, arising out of the same trial court case:**

[Date: 5/6/2015] No. 118434 - GMAC Mortgage, LLC, et al., respondents, v. Richard Daniggelis, petitioner. Leave to appeal, Appellate Court, First District. (1-14-2751)

Petition for leave to appeal denied.

In the exercise of this Court's supervisory authority, the Appellate Court, First District, is directed to vacate its order in GMAC Mortgage, LLC v. Daniggelis, case No. 1-14-2751 (09/24/14), denying Richard Daniggelis leave to file a late notice of appeal. The appellate court is instructed to allow Richard Daniggelis to file a late notice of appeal and hear the case. (27 N.E.3d 610 (2015))

Let's look again at the ORDER rendered here: Notice that it doesn't say "hear" the case only if Atty. Galic files his merits briefs. Notice, please, it says to "hear the case." Period. Now, no one will hold it against the appellate court judges for being human and getting side-tracked. The trial court (and the other litigants) do not care if This Court is embarrassed or misses an opportunity to correct an honest, and human, mistake. However, even tho Movant admits that he sometimes disagrees with this court's rulings, in the past, refusing to give Daniggelis justice, and even tho Movant is also human (and makes mistakes), Movant, Watts, will make a Herculean effort to move heaven & earth, in order to grant This Court a "Second Chance" to finish the job given to it by the Illinois Supreme Court. **To be clear, if This Court does not obey The Supreme Court's last order to hear the merits, four (4) parties will suffer harm:**

- (1) This Court will risk censure, embarrassment, & failure to obey the IL Supreme Court.
- (2) Mr. Daniggelis, who is elderly (about 79 or 80, as I write), and was made homeless, & living in his rental van, is still suffering loss of his house, land, and hundreds of thousands of dollars of equity, *which I documented in prior filings.*

- (3) Oh, and as I am owed monies for much work done, only about 10% which was documented in my Intervention motion, since many new costs have accrued, I wouldn't get paid, in this Intervention, which is, legally, similar to a Mechanic's Lien, but without the lien filing fee. [I filed Intervention vs. Lien, in order to save paying said fee.]
- (4) The Rule of Law would suffer, and who else would get denied a fair hearing, simply because he's a poor, out-of-state nonLawyer?

Conclusion:

Therefore, I ask This Court to issue a writ of mandamus compelling intervention, fee waiver, and preparation of the record on appeal. (See the motion for extension of time in 1-18-0091, where I show that this court may ask for only selected items in the record, for the sake of time.)

Respectfully submitted,

/s/ Gordon Wayne Watts

Verification by Certification

I, Gordon Wayne Watts, the undersigned Movant, under penalties as provided by law pursuant to 735 ILCS 5/1-109, Section 1-109 of the ILLINOIS Code of Civil Procedure, hereby certify that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and, as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true: "Any pleading, affidavit or other document certified in accordance with this Section may be used in the same manner and with the same force and effect as though subscribed and sworn to under oath." Source: 735 ILCS 5/1-109:
<http://www.ILGA.gov/legislation/ilcs/documents/073500050K1-109.htm>

Nonetheless, This Court has on record several of my sworn, witnessed, and notarised affidavit, just to remove any and all doubt hereto.

Date: Monday, 19 March 2018

/s/Gordon Wayne Watts
Gordon Wayne Watts

INDEX TO THE EXHIBITS

<u>Instrument</u>	<u>Docket/Tab#</u>
** Motion for Intervention (in 2 file formats: Court-Stamped Image & text-searchable)	Exhibit "A"
** Fee Waiver ORDER (Granted by This Court)	Exhibit "B"
** Fee Waiver application (to trial court) with verified request to prepare the Record on Appeal	Exhibit "C"
** Fee Waiver ORDER (Denied by Trial Court)	Exhibit "D"
** Returned Mail & web-tracking (to document updated addresses & Service of filings)	Exhibit "E"
** Judge OTTO's 3-8-2013 ORDER	Exhibit "F"
*** Docketing Statement (bundled with Court-Stamped Fee Waiver app)	Exhibit "G"
** June 16, 2016 ORDER by this court in 1-14-2751, chewing out Galic, the attorney for Daniggelis, to verify Watts' interests were not being represented by Galic, thus justifying Intervention	Exhibit "H"
** Email from Odyssey eFileIL (Tyler Host), e.g., clerical error of clerk mistakenly returning filing when she overlooked Art. VI, Sec. 6, of the ILLINOIS Constitution giving your appeals court original jurisdiction	Exhibit "I"
** Tracking Receipts For 03-16-2018 filings	Exhibit "J"

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Cook County, IL circuit court,

Defendants.

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|| **Docket Number: 1-18-_____**
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NOTICE OF FILING

To: See attached Service List

PLEASE TAKE NOTICE that on Friday, 16 March 2018, I caused to be filed with the ILLINOIS 1st Appellate Court my Petition for Writ of Mandamus, Verification by Certification, INDEX TO THE EXHIBITS, this Notice of Filing, an updated Service List, and my Certificate of Service, copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

(Actual Signature, if served upon clerk)
Gordon Wayne Watts

/s/ Gordon Wayne Watts
(Electronic Signature)
Gordon Wayne Watts

Gordon Wayne Watts, *pro se* [Code: '99500' = Non-Lawer, *pro se*]
821 Alicia Road, Lakeland, FL 33801-2113
PH: (863) 688-9880 [home] or (863) 409-2109 [cell]
Web: <http://www.GordonWatts.com> / <http://www.GordonWayneWatts.com>
Email: Gww1210@aol.com / Gww1210@gmail.com

SERVICE LIST

- * **1st District Appellate Court**, Clerk's Office, 160 North LaSalle St., Chicago, IL 60601
(312) 793-5484 , Office Hours: 8:30a.m.-4:30p.m., Mon-Fri, Excl. Holidays [served by eFiling only, since this The Court no longer accepts paper filings]
- * **CIVIL APPEALS DIVISION:** Richard J. Daley Center, 50 West Washington St., Room 801 Chicago, IL 60602 – (312) 603-5406, Hours: 8:30a.m.-4:30p.m., Mon-Fri, Excl. Holidays
Attention: Deputy Chief, Patricia O'Brian, PAOBrien@CookCountyCourt.com **[served by all means, as Rule 326 requires for Motions for Extension of Time]**
- * **Hon. Timothy C. Evans**, Chief Judge (Ph 312-603-6000, 4299, 4259 TTY: 6673) Circuit Court of Cook County, 50 W. Washington St., Room 2600, Richard J. Daley Center Chicago, IL 60602
Courtesy copy via: Timothy.Evans@CookCountyIL.gov **[served by email / electronic service only, as a courtesy, since this is an appeal]**
- * **Hon. James P. Flannery, Jr.**, Circuit Judge–Presiding Judge, Law Division 50 W. Washington St., Room 2005, Chicago, IL 60602, Ph:312-603-6343, Courtesy copy via:
James.Flannery@CookCountyIL.gov **[served by email / electronic service only, as a courtesy, since this is an appeal]**
- * **Law Division and Hon. Diane M. Shelley, Circuit Judge, [served by email / electronic service only, as a courtesy, since this is an appeal]** Law@CookCountyCourt.com ;
ccc.LawCalendarW@CookcountyIL.gov ; Diane.Shelley@CookCountyIL.gov
- * **Richard B. Daniggelis** [true owner of 1720] 312-774-4742, c/o John Daniggelis 773-327-7198
2150 North Lincoln Park West, Apartment #603, Chicago, IL 60614-4652
- * **Richard B. Daniggelis (who receives mail, via USPS mail-forwarding at his old address)**
1720 North Sedgwick St., Chicago, IL 60614-5722
- * **Andjelko Galic** (Atty#:33013) Cell:312-217-5433, Fax:312-986-1810, Phone:312-986-1510
845 Sherwood Road, LaGrange Park, IL 60526-1547 **(Please take note of Mr. Galic's new address)** Email: AndjelkoGalic@Hotmail.com ; AGForeclosureDefense@Gmail.com
- * **Robert J. More** (Anselm45@Gmail.com) [Note: **More's** name is **misspelled** on docket as: “**MOORE ROBERT**”] P.O. Box 6926, Chicago, IL, 60680-6926, PH: (708) 317-8812
- * **Associated Bank, N.A.**, 200 North Adam Street, Green Bay, WI 54301-5142

SERVICE LIST (continued from above)

MERS (Mortgage Electronic Registration Systems, Inc.) <https://www.MersInc.org/about-us/about-us> a nominee for HLB Mortgage, (703) 761-0694 / (800)-646-MERS (6377) / 888-679-MERS (6377) ATTN: Sharon McGann Horstkamp, Esq., Corporate Counsel, Mortgagee: <https://www.MersInc.org/component/content/article/8-about-us/401-sharon-horstkamp> Senior Vice President, Chief Legal and Legislative Officer, and Corporate Secretary for MERSCORP Holdings, Inc. – Telephone No.: (703) 761-1270, Facsimile No.: (703) 748-0183, SharonH@MersInc.org ; SharonH@MersCorp.com Cc: Janis Smith, 703-738-0230, VP, Corp. Comm. is no longer with MersCorp, and Amy Moses (AmyM@MersCorp.com ; AmyM@MersInc.org) has replaced her as an email contact; Sandra Troutman 703-761-1274, E: SandraT@MersInc.org ; SandraT@MersCorp.com) Dir, Corporate Communications, Karmela Lejarde, Communications Manager, Tel~ 703-761-1274, Mobile: 703-772-7156, Email: KarmelaL@MersInc.org ; KarmelaL@MersCorp.com C/o: **MERS (Mortgage Electronic Registration Systems, Inc.), 1901 East Vorhees Street, Suite 'C', Danville, IL 61834-4512**

* **COHON RAIZES®AL LLP (90192) (Atty for STEWART TITLE ILLINOIS)**
Attn: Carrie A. Dolan, 208 S LASALLE#1860, CHICAGO IL, 60604 [ph:(312) 726-2252]

* **Stewart Title, Attn: Leigh Curry**
<http://www.Stewart.com/en/stc/chicago/contact-us/contact-us.html>
2055 W. Army Trail Rd., STE 110, Addison, IL 60101 [ph:(630) 889-4050]

* **Richard Indyke, Esq.** Atty. No. 20584, (312-332-2828 Atty for LaSalle Bank Natl. Assn.),
Email: RIndyke@SBCGlobal.net ; 221 N. LaSalle St. STE 1200, Chicago, IL 60601-1305

* **Peter King (Atty. for Joseph Younes) (Atty. No.: 48761)**
(312) 780-7302 / (312) 724-8218 / Direct: (312) 724-8221
<http://www.KingHolloway.com/contact.htm> ; Attn: Peter M. King, Esq. PKing@khl-law.com
or: PKing@KingHolloway.com ; One North LaSalle Street, Suite 3040, Chicago, IL 60602

* **Joe Younes:** 2625 West Farewell Avenue, Chicago, IL 60645-4522 JoeYounes@SbcGlobal.net

* **Joseph Younes (Atty#:55351) Law Offices / <http://ChicagoAccidentAttorney.net>**
312-635-5716, per website 166 West WASHINGTON ST, Ste. 600, Chicago, IL 60602-3596
Phone: 312-372-1122 ; 312-802-1122 ; Fax: 312-372-1408. Email: RoJoe69@yahoo.com

* **Paul L. Shelton, Pro Se, (Atty. #15323, disbarred per IARDC)**
E-mail: PMSA136@Gmail.com ; PLShelton@SBCGlobal.net
3 Grant Square, SUITE #363, Hinsdale, IL 60521-3351

* **Erika R. Rhone** [ph:(773) 788-3711], 22711 Southbrook Dr., Sauk Village, IL 60411-4291

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|| **Docket Number: 1-18-_____**
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CERTIFICATE AND AFFIDAVIT OF DELIVERY (aka: Certificate of Service)

* The undersigned **Defendant-Appellant, Gordon Wayne Watts**, hereby certifies under penalties of perjury as provided by law pursuant to 735 ILCS 5/1-109, that the above Petition for Writ of Mandamus, Verification by Certification, INDEX TO THE EXHIBITS, Notice of Filing, an updated Service List, and this Certificate of Service, copies of which are attached hereto were herewith served upon you—and upon the parties listed in the attached Service List, above – **this Friday, 16 March 2018**, via **the Odyssey eFileIL (TylerHost.net) Electronic Filing system** if they're e-file registered [see Exhibit “I”], and are being reServed in like manner due to the clerical error of the clerk, who shall refile and place before The Court said petition.

* I concurrently served all parties via **First Class U.S. Postal Mail** and/or **FedEx 3rd-party Commercial Carrier** [see Exhibit “J”] –*except The Appeals Court (which only accepts eFiling), or as otherwise indicted in the Service List.*

* Additionally, I shall, when practically possible, post a TRUE COPY of this filing –and related filings –**online at my official websites, infra** –linked at the “Mortgage Fraud” story, dated Fri. 14 April 2017 –and in the 'front-page' news of said URL's.

* Lastly, I may, later, cc all parties via **e-mail**, if I am able. **Respectfully submitted,**

(Actual Signature, if served upon clerk)
Gordon Wayne Watts

/s/ Gordon Wayne Watts
(Electronic Signature)
Gordon Wayne Watts

Gordon Wayne Watts, *pro se* [Code: '99500' = Non-Lawer, *pro se*]
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