Michael [redacted] Otto, Judge
50 West Washington Street,
Suite 2804
Richard J. Daley Center
Chicago, IL 60602

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Mr. Gordon Wayne Watts
821 Alicia Road
Lakeland, FL 33801-2113

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION
MORTGAGE FORECLOSURE/MECHANICS LIEN SECTION

U. S. BANK, N.A., *etc.*,	)	
	)	
Plaintiff,	)	**Case No. 07 CH 29738**
	)	
vs	)	**1720 N Sedgwick Ave.**
	)	**Chicago, IL**
JOSEPH YOUNES, RICHARD DANIGGELIS, *et al.*,	)	
	)	
	)	
Defendants.	)	

ORDER

The court is in receipt of two copies of a November 30, 2015 "Notice of Motion" signed by Mr. Gordon Wayne Watts, along with two copies of a "Motion for Rehearing" and Exhibits thereto. Neither the Notice nor the Motion have been filed with the Clerk of the Circuit Court, so far as the online docket reveals. Rather, both have been mailed directly to the undersigned. The Notice of Motion does not actually notify the other parties to the case of a date on which the motion will be heard, but rather states that Mr. Watts shall appear "telephonically" on whatever date the court sets for presentment of the motion. Copies of the above-referenced documents are attached to this Order as Group Exhibit 1.

Finding no necessity for oral argument, the court by this Order denies the Motion for Rehearing (Reconsideration).

I. Oral Argument is Not a Right

First, the court is well within its discretion in deciding this or any motion without oral argument. Mr. Watts in his Notice of Motion asserts that

> "This Court allows just any 'yahoo' to appear 'in person' to present motions, etc., [but] the court has denied me *my* right to appear telephonically, in the past (which seems very unfair, as well as a violation of court rules, *supra*)…" (Emphasis, punctuation, etc. as in original.) (Ex. 1, p. 1.)

In arguing that he has a right to appear by telephone to argue the merits of his motion, Mr. Watts references Illinois Supreme Court Rules 185 and 206(h). Neither supports his position. Rule 206(h) allows depositions to be conducted remotely, but says nothing whatsoever

regarding court proceedings. Rule 185 permits the circuit court to conduct motion argument by telephone (subject to local rule), but it does not require the court to allow telephonic argument, nor even to allow oral argument at all.

Illinois reviewing courts have been very clear, that the circuit court is not required to entertain oral argument on a motion. *See, e.g., Parkway Bank & Trust Co. v. Meseljevic*, 406 Ill. App. 3d 435, 441 (1st Dist. 2010) ("Oral argument in a civil proceeding tried, as here, by the court without a jury is a privilege, not a right, and is accorded to the parties by the court in its discretion.") The undersigned finds as to Mr. Watts's Motion for Rehearing (Reconsideration) that oral argument would be of no assistance, and accordingly declines to allow it. To the extent that Mr. Watts is suggesting that the court erred in failing to allow oral argument on the motions when originally presented, that argument is rejected for the same reason.

II. The Motion for Rehearing (Reconsideration) is Denied

Second, the court finds no merit to the Motion for Rehearing. As a technical point, no hearing having previously been held regarding Mr. Watts's motions, this would more properly be styled a motion for reconsideration. The court considers it on the merits as such. *See, e.g., Vanderplow v. Krych*, 332 Ill. App. 3d 51, 54 (1st Dist. 2002) ("the nature of a motion is determined by its substance rather than its caption… and a court should not blindly adhere to nomenclature at the expense of reality") (citations and punctuation omitted).

The standard for a motion to reconsider is well-established: the movant must demonstrate that the court's prior ruling was erroneous, either because of (1) newly discovered evidence not previously available, (2) a subsequent change in the law, or (3) error in the court's previous application of existing law. *See Gardner v. Navistar Int'l Transp. Corp.*, 213 Ill. App. 3d 242 (1991). Mr. Watts's motion fails to satisfy any of these standards.

Mr. Watts's motion is in the form of a fictitious appellate court opinion "reversing" (in part) this court's previous ruling. (*See* generally Ex. 1.) Although it contains many sweeping statements of law, and generous use of boldface font, italics, and underlining, it is bereft (with one exception) of citation to relevant legal authority. The sole exception is Mr. Watts's passing reference to Illinois Supreme Court Rule 329, which governs supplementation of the record before the appellate court.[1] Mr. Watts is correct that Rule 329 vests the circuit court with jurisdiction over correction or supplementation of the record. Rule 329 in no way addresses, however, whether a stranger to the case may present such a motion to the trial court. At its core,

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[1] Mr. Watts also cites to various Supreme Court Rules bearing on the timeliness of his motion to reconsider, and acknowledges the Illinois Supreme Court's order in *Kinkel v. Cingular Wireless*, which lays out the standards for *amicus* briefs. The former are irrelevant because the court considers his motion on the merits, while the latter is irrelevant because Mr. Watts does not request this court to reconsider its denial of his motion for leave to file an *amicus curiae* brief (the "appellate court" "affirms" the circuit court on this issue).

Mr. Watts's argument on rehearing seems to be that because a known vexatious litigant (Robert More) appears to have filed a document in the case *before* it was appealed, Mr. Watts should similarly be permitted to inject himself in the case *after* appeal, because it was not Mr. Watts's fault that he failed to file his materials before the notice of appeal was filed. (He complains vaguely that the Clerk of the Circuit Court delayed in providing him the record.)

The argument that all strangers to a case should be allowed to engage in the tactics of a vexatious litigant is so unpersuasive as to require no further discussion. The fundamental question is, should a total stranger to a case, neither a party nor an attorney for any party, be permitted to move to supplement the record on appeal. In its initial ruling this court answered that question in the negative. Nothing in Mr. Watts's Motion for Rehearing (Reconsideration) convinces this court that it erred in so ruling.

Accordingly, the Motion for Rehearing (Reconsideration) is DENIED. (As noted in fn. 1, Mr. Watts does not challenge the denial of his motion for leave to file an *amicus curiae* brief, the "appellate court" having "affirmed" this court on that score.) Court staff will send a copy of this Order (with attachments) to Mr. Watts and parties U.S. Bank, Joseph Younes, and Richard Daniggelis (all care of counsel) on the date it is entered. Counsel for Plaintiff directed to transmit a copy of this order to any/all other parties within 5 court days of receipt.

ENTER:

Judge Michael F. Otto
DEC 07 2015
Circuit Court - 2065

Michael F. Otto #2065

Associate Judge

This order was sent to the following on the above stamped date:

Mr. Andjelko Galic ,Esq. 134 N. LaSalle Street, Suite 1810 Chicago, IL 60602	Mr. Peter King, Esq. King Holloway LLC 101 North Wacker Drive, Suite 2010 Chicago, IL 60606
Mr. Richard Indyke, Esq. 221 N. LaSalle Street, Suite 1200 Chicago, IL 60601	Mr. Gordon Wayne Watts 821 Alicia Road Lakeland, FL 33801-2113