

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

GMAC,)
)
Plaintiff,)
)
vs.)
)
JOSEPH YOUNIS, et. al.,)
)
Defendants.)

No.: 07 CH 29738

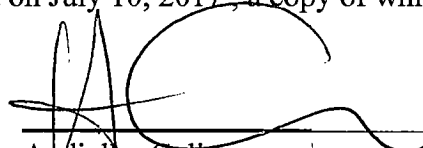
NOTICE OF FILING

TO: Erika Rhone
9948 S. Normal
Chicago, IL 60628

Shelton Law Group
1010 Jori Blvd., Suite 144
Oak Brook, IL 60523

3331
3370
2017 AUG -8 AM 10:47
3390

You are hereby notified that on August 8, 2017 we filed with the Clerk of the Circuit Court of Cook County our Motion to Reconsider the Order Entered on July 10, 2017, a copy of which is attached and hereby served upon you.

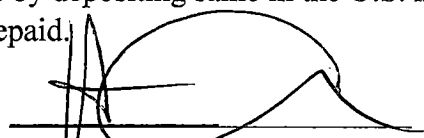


Andjelko Galic

Law Office of Andjelko Galic
845 Sherwood Road
LaGrange Park, Illinois 60526
Tel. 312 217 5433
Attorney No.: 33013

PROOF OF SERVICE BY MAIL

I, Andjelko Galic, an attorney, hereby state on oath that I served this Notice of Filing by mailing a copy to the above party at the above listed address by depositing same in the U.S. mail in Chicago, on August 8, 2017 with proper postage prepaid.



Andjelko Galic

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

GMAC,)
)
Plaintiff,)
)
vs.)
)
JOSEPH YOUNIS, et. al.,)
)
Defendants.)

No.: 07 CH 29738

2017 AUG -9 AM 10:47
FILED
COURT CLERK
JULIA M. ...

MOTION TO RECONSIDER THE ORDER ENTERED ON JULY 10, 2017

NOW COMES Counter-Plaintiff, Richard Daniggelis, by and through his attorney Andjelko Galic, and moves this court to reconsider the order entered on July 10, 2017. In support of his Motion Plaintiff states as follows:

1. On July 10, 2017 this matter was set for trial on Richard Daniggelis' counterclaim.
2. Since this case was transferred to Law Division none of the Counter-Defendants has ever appeared in court at any time.
3. In addition, there is an outstanding warrant for arrest of John LaRouque (body attachment) for his failure to comply with a subpoena for deposition. John LaRouque resides in DuPage County and his arrest is completely out of hand of Richard Daniggelis and his attorney and it completely depends on the actions undertaken by the Sheriff of DuPage County.
4. John LaRouque's testimony is critical for Richard Daniggelis' counterclaim because LaRouque has facilitated the fraudulent sale of Daniggelis' residence by providing a short term loan to Joseph Younes without disclosing the true nature of this loan in the closing documents. LaRouque's loan was re-paid from the equity Richard Daniggelis had in his residence. This is why LaRouque's testimony is critical for Richard Daniggelis' counterclaim.
5. Richard Daniggelis has appeared in court on every court date since whether his presence was required or not and he has personally pleaded with this court to allow him to proceed to the merits of his case.

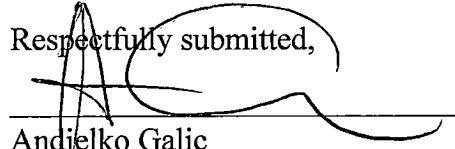
6. Richard Daniggelis pleaded the same way before the predecessor judge and refused to voluntarily dismiss his counter-claim prior to March 14, 2017.
7. On July 9, 2017, very late at night, Richard Daniggelis called me and informed me that he could not go to trial on his counterclaim due to his brother's illness.
8. Since this call came night before trial I informed him that I cannot present a motion for continuance without a verified statement from him detailing his reasons for continuance.
9. Since the time was very limited I suggested to him to take a taxi and to come to the Daley Center on July 10, 2017 to sign the verification page and to go back to his brother.
10. In addition, Richard Daniggelis is very detail oriented individual and he insists on detailed review of everything that is submitted on his behalf.
11. Moreover, I did not know anything about his brother's condition so I could not have verified the contents of his motion for continuance and in order for that motion to have any chance it had to be supported by a sworn statement.
12. On July 10, 2017 Richard Daniggelis came to the Daley Center, reviewed his motion for continuance, signed the verification page and went back to his brother.
13. On July 10, 2017 Richard Daniggelis came to the Courtroom for that reason alone and I had no reason whatsoever to withhold that information from this court.
14. The order entered on July 10, 2017 does not accurately reflect what transpired in court on that date.
15. On July 10, 2017 I first presented Daniggelis' motion for continuance. Paul Shelton was present on his own behalf and he was not objecting to our motion for continuance. After reading the motion for continuance this court denied our motion for continuance. In my brief argument in support of our motion for continuance I did not advance any other facts or arguments except those stated in our motion for continuance.
16. After our motion for continuance was denied I handed a copy of our motion for voluntary dismissal to this court.
17. Paul Shelton was served with our motion for voluntary dismissal in open court and he did not object to our motion for voluntary dismissal.
18. In Illinois, the plaintiff's right to a voluntary dismissal without prejudice before trial is absolute. *Winn v. Mitsubishi Motor Mfg. of America*, 308 Ill. App. 3d 1054 (4th Dist. 1999).

19. On July 10, 2017 after reviewing our motion for voluntary dismissal this court initially granted our motion for voluntary dismissal.
20. While I was preparing the order to my surprise the case was recalled and we were informed that our motion for voluntary dismissal will be denied.
21. On July 10, 2017 the parties were informed that after granting our motion for voluntary dismissal this court received information from an unidentified source that Richard Daniggelis was in court that morning.
22. On July 10, 2017 the case was recalled due to information this court received from an unidentified source regarding Richard Danggelis' brief appearance in court on that date.
23. The person who informed the court about this did not understand the nature of Daniggelis' appearance in court that morning. This information was communicated to this Court ex-parte and as such the communication was very prejudicial to Richard Daniggelis.
24. When Richard Daniggelis came to the courtroom Paul Shelton was right there next to us so I took Richard outside of the courtroom so he can review the motion, ask questions and sign the verification page before this case would be called.
25. The finding in paragraph number 5 of the July 10, 2017 order was issued in error because there were not misrepresentations made to this court regarding Daniggelis' presence in court. As soon as this Court raised this issue I answered it fully and completely. This question was not raised during the presentation of our motion for continuance or during our presentation of our motion for voluntary dismissal.
26. Based on information and belief the person who informed this Court about Richard's presence in court did not understand the nature of that presence and thus that information has created a miscomprehension in the mind of this court regarding Richard's motives for seeking a continuance.
27. Richard Daniggelis' reluctantly agreed to voluntary dismiss his case due to the fact that he could not proceed with it on July 10, 2017.
28. Paragraph 9 of the July 10, 2017 order correctly states that section 735 ILCS 5/2-1009(a) requires the payment of costs in order for a party to voluntarily dismiss. However, during the pendency of this case in the Chancery Division Richard Daniggelis's 298 Petition was granted and therefore he is in compliance with section 735 ILCS 5/2-1009(a).

29. This court's concerns regarding the age and the tortured history of this case are justified. However, Daniggelis' right to voluntarily dismiss his counterclaim is absolute and he has substantively complied with statutory requirements for voluntary dismissal.
30. Richard Daniggelis' brief appearance in court on July 10, 2017 was completely innocent and it is consistent with his general attitude throughout this litigation.
31. The order entered on July 10, 2017 is highly prejudicial to Richard Daniggelis and the order was entered as a result of a misunderstanding of actual reasons for Richard Daniggelis' appearance in court that morning.

Wherefore, Defendant prays for an order reconsidering and vacating the order entered on July 10, 2017 and allowing his motion dismiss his counterclaims pursuant to Section 735 ILCS 5/2-1009.

Respectfully submitted,



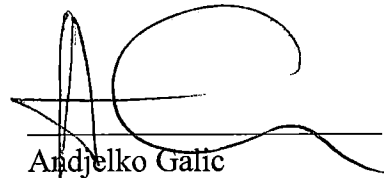
Andjelko Galic
Attorney at law

LAW OFFICE OF ANDJELKO GALIC
845 Sherwood Road
LaGrange Park, IL 60526
(312) 217 – 5433
Attorney No.: 33013

VERIFICATION

I, Andjelko Galic, under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, certify that I have read Richard Daniggelis' Motion to Reconsider the Order Entered on July 10, 2017, and that statements given in this motion are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certify as aforesaid that he verily believes the same to be true.

August 8, 2017



Andjelko Galic

LAW OFFICE OF ANDJELKO GALIC
845 Sherwood Road
LaGrange Park, IL 60526
(312) 217 – 5433
Attorney No.: 33013