

A30BD84
COURT MOTION DECEMBER 28, 2009

1 STATE OF ILLINOIS)
2) SS.
2 COUNTY OF COOK)

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT - PROBATE DIVISION

5
6 IN RE: MARY SYKES,)
7)
7) No. 09 P 4585
8)

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12 COURT MOTION
13 CHICAGO, ILLINOIS
14 DECEMBER 28, 2009
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22 FILE NO. A30BD84
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A30BD84
COURT MOTION DECEMBER 28, 2009

1 APPEARANCES:
2
3 DENISON ASSOCIATES, P.C.,
4 BY: MS. JO ANNE M. DENISON,
5 (1512 North Freemont Street
6 Suite 202
7 Chicago, Illinois 60642)
8 Appeared on behalf of Gloria Sykes;
9
10 STERN & ASSOCIATES,
11 BY: MR. ADAM M. STERN,
12 111 West Washington Street
13 Suite 1861
14 Chicago, Illinois 60602)
15 Special Guardian ad litem.
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1 contact your clerk but she wasn't here on the 24th
2 when we came over, and then my associate came over
3 yesterday afternoon and he tried to contact the
4 clerk but she's been out. Normally, we do contact
5 the clerk first.
6 THE COURT: Well, you can check in the
7 law bulletin. Anyway, you filed a motion to
8 reconsider.
9 MR. STERN: There's a couple of things.
10 One, it's not on the call, it was filed on the
11 24th. And Gloria Sykes, who's represented by
12 counsel, which is Joyce Law Firm, and Kevin Joyce
13 is not present here today.
14 THE COURT: Well, a lot of lawyers aren't
15 here that are in on this case. Have you talked to
16 them about giving them time to respond or
17 something?
18 MS. DENISON: I e-mailed them all. I
19 told them that we wanted to set a briefing
20 schedule and I have heard nothing back from them.
21 THE COURT: Okay. What do you want? Do
22 you want to respond in writing?
23 MR. STERN: Judge, this issue has already
24 been argued in front of the court. There's

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1 THE CLERK: Sykes.
2 MS. DENISON: Good morning, your Honor.
3 Jo Anne Denison appearing for Gloria Sykes.
4 THE COURT: Case number is 09 P 4585.
5 Your name, sir.
6 MR. STERN: Adam Stern, special guardian
7 ad litem.
8 MS. DENISON: Your honor, we've
9 motioned up a motion for reconsideration of your
10 prior order today granting me leave to appear in
11 this case.
12 We have a few things that happened
13 since that date, and I wanted to get it on record
14 for appeal, so that's why I had it motioned up for
15 this date.
16 Mr. Waller is not here. We tried
17 calling his offices. Ms. Farenga is on the floor
18 but I don't know if she can come over here, but we
19 do want to do a little bit more argument and get
20 that on the record because we have an appeal date
21 coming up.
22 THE COURT: But don't forget, we don't do
23 motions here at 9:30, counsel.
24 MS. DENISON: That's fine. We tried to

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1 nothing new in here.
2 This is a small estate that we've
3 spent a lot of court time on. We were here on
4 December 22nd --
5 THE COURT: Oh, I remember all of it.
6 MR. STERN: Well, the next court date is
7 January 15, 2010. If someone has to reply, I'm
8 more than willing to do so, Judge, it's just that
9 they're eating away in legal fees in this estate
10 that's extraordinary.
11 I've been in practice for fifteen
12 years and I've never seen so much time devoted to
13 one estate.
14 This is a motion to reconsider and a
15 denial with Ms. Denison appearing. It's already
16 been argued and it's already been briefed. I see
17 nothing new in this petition that deserves any
18 basis to reconsider.
19 There's also expert appellant
20 language on a denial. If they want to file an
21 appeal that's up to them. It's a bunch of hearsay
22 and a bunch of irrelevant material.
23 THE COURT: Well, let's wait a little
24 longer to see if anyone else comes in.

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2 (Pages 2 to 5)

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1 MR. STERN: I can tell you that
2 Mr. Waller's offices are closed this week. He
3 told all of the attorneys on the 22nd that he's
4 not available this week. Counsel filed this
5 motion knowing that.

6 THE COURT: Counsel, were you aware of
7 that?

8 MS. DENISON: It was my understanding
9 that he has a son and he has other people in the
10 law firm. In fact, I can go check in the
11 Sullivan's and find out, but I do believe he has
12 other attorneys.

13 My problem is I have to do this
14 because I'm up against a deadline.

15 THE COURT: When did I rule on your
16 motion?

17 MS. DENISON: You initially ruled on the
18 7th and we got the language put in on the 10th.

19 THE COURT: The tenth of --

20 MS. DENISON: December. So, I have to
21 get everything done by January 8th and get it over
22 to the court of appeals, and I have to have time
23 to do that.

24 THE COURT: You have thirty days to file

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1 Mr. Waller was unable to be here today because he
2 was out of town?

3 MS. DENISON: I knew he would be out of
4 town but it was my understanding that his son
5 would be covering for him just like the last time
6 that we were in court.

7 MR. STERN: Judge, I've got an e-mail
8 from Kevin Joyce who is the attorney of record for
9 Gloria Sykes that says, "This is an inappropriate
10 communication affirming nothing to do with this
11 e-mail and its attachments that's referring to
12 that motion." That's what Kevin Joyce who is the
13 attorney of record for Gloria Sykes sent out to
14 all the parties.

15 MS. DENISON: I think he's referring to
16 another e-mail, but that's not the e-mail.

17 THE COURT: He actually was the person
18 who represents Gloria Sykes, correct?

19 MS. DENISON: That's correct, but she is
20 trying to get me on the case because I know her
21 family more than he does and I can get more
22 involved in the case than he can.

23 THE COURT: But he's her lawyer of
24 record. I don't even know what he thinks about

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1 a motion to reconsider.

2 MS. DENISON: I understand you have
3 thirty days to do it, but after the motion to
4 reconsider is heard and argued like we want to do
5 today, I have to wait for Madam Court Reporter to
6 get me the transcript to get that all on file with
7 the court of appeals, and she's going to want at
8 least a week to get that transcript done.

9 THE COURT: Well, what's the January date
10 you're talking about?

11 MS. DENISON: In Section 304 language
12 when it's on December 10th, that means you have
13 thirty days to appeal --

14 MR. STERN: You need to file a notice not
15 a brief.

16 MS. DENISON: But I still have to have a
17 transcript and everything. This is under a
18 special rule, Rule 3067, and everything has to be
19 in on that date.

20 THE COURT: The other lawyers aren't
21 here, counsel, and I don't know if they want to
22 respond. This is an inappropriate notice because
23 there are no motions heard here at 9:30.

24 I guess did you advise counsel that

1 this. How could I possibly make any ruling on it
2 today, counsel?

3 MS. DENISON: Can we set it over for
4 another date then, please?

5 THE COURT: Yes, we can. I think you
6 should re-notice it, though.

7 MS. DENISON: I would be glad to
8 re-notice it. Can we pick another date and be
9 back in a few days?

10 THE COURT: What's the emergency again,
11 counsel? You've got thirty days from the date of
12 ruling to file your motion to reconsider.

13 MR. STERN: It doesn't hold up the
14 appellant deadline.

15 THE COURT: So, when you file a notice of
16 appeal you must put the record with it?

17 MS. DENISON: When you file an appeal
18 there's a whole bunch of things you have to have
19 with it.

20 THE COURT: Well, then show me in the
21 Supreme Court rules.

22 (Short recess taken.)

23 THE CLERK: Recall Sykes.

24 MS. DENISON: Good morning, your Honor,

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3 (Pages 6 to 9)

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1 again. JoAnne Denison for Gloria Sykes attempting
2 to appear.

3 MR. ALEXANDER: Randall Alexander,
4 associate of JoAnne Denison.

5 MR. STERN: Adam Stern, Special guardian
6 ad litem in this case. I did get up to speed when
7 this case was passed earlier.

8 MS. DENISON: I have the law, it's right
9 here. If I may, this is the section that we're
10 proceeding under, which would be No. 7 and it
11 says, "disqualification --

12 THE COURT: Let me read it.

13 MS. DENISON: Sure.

14 THE COURT: What's the time frame on
15 this?

16 MS. DENISON: January 9th and we can
17 actually go over TO the 11th. All of those
18 things are due.

19 THE COURT: Because of the full appellant
20 language in December 10th, thirty days from
21 December 10th will take us to January 9th because
22 December has 31 days.

23 So, you already have the appellant
24 language in the order.

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1 for a motion for reconsideration.

2 THE COURT: Again, that wasn't the
3 basis for anything that I used to rule, what
4 happened after my ruling in the hallway, was it?
5 So, why would that effect my reconsideration of my
6 ruling?

7 MS. DENISON: The other thing that
8 we're arguing is that during the previous hearing
9 we did ask about Chinese law.

10 THE COURT: Counsel, again, I made my
11 ruling and if you want to file a motion to
12 reconsider based on something that happened
13 outside the court's presence, which I didn't even
14 know about when I made my ruling, would you prefer
15 we file a motion to vacant because if you ask that
16 we take a motion to vacant won't pay the fee.

17 I'm not telling you what to do I
18 just don't think it's an appropriate motion to
19 reconsider upon hearing the facts that's
20 surrounding it.

21 MS. DENISON: That's fine, your Honor. I
22 would ask that it be taken as a motion to
23 reconsider, and if you're refusing to hear it then
24 we'll put that in the record. And if you're

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1 MR. STERN: Correct.

2 THE COURT: That was done on December
3 10th. That's part of your Exhibit A.

4 MS. DENISON: So I'm under a time
5 pressure.

6 THE COURT: Why would you file a motion
7 to reconsider?

8 MS. DENISON: The reason why I'm filing a
9 motion to reconsider is because I have other
10 things that should be brought to the court's
11 attention and other things that happened in the
12 hallway, and I want to get it in the record for
13 appeal.

14 THE COURT: Is that part of the record
15 I'm hearing on the motion, though? Not really.

16 MS. DENISON: No, because they did
17 these things out in the hallway.

18 THE COURT: Do you really want to
19 supplement the record? I mean, I don't know
20 anything about what happened in the hallway and
21 that wasn't part of my ruling what happened in the
22 hallway.

23 MS. DENISON: I understand that but I
24 do want to supplement the record when I'm asking

1 refusing to also hear it as a motion to vacant
2 then we'll put that in the record.

3 THE COURT: I'm not refusing to hear
4 anything, counsel. Motion to reconsider the
5 court's ruling has to be based on certain things.
6 This is based on extraneous information that
7 wasn't recorded when I made my ruling; isn't that
8 right?

9 MS. DENISON: Some of it was and some
10 of it wasn't.

11 THE COURT: Well, how could I tell from
12 here what was and what wasn't? So, kind of on its
13 face the motion is inappropriate, is it not?

14 From my understanding for a motion
15 to reconsider it would be anything that was in the
16 record before, but some of these things were not
17 in the record.

18 MS. DENISON: I understand that but we
19 can argue the things that were in the record. I
20 believe we talked about Chinese law.

21 MR. STERN: That is an incorrect
22 statement. Nothing in that motion says anything
23 that I said in the hallway. Nothing in that
24 motion is correct, and now you're saying guardian

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4 (Pages 10 to 13)

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1 ad items, plural.

2 THE COURT: Counsel, you asked me to
3 consider things that weren't part of the record as
4 I made my ruling. Motion is denied, counsel. I
5 won't give you leave to file. Leave to file is
6 denied because it's not an appropriate motion.

7 Thank you.

8 MS. DENISON: Thank you, your Honor.
9 (WHICH WERE ALL THE
10 PROCEEDINGS HAD IN
11 THE ABOVE-CAPTIONED
12 CAUSE.)

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1 STATE OF ILLINOIS)

2) ss.

3 COUNTY OF COOK)

4

5 I, LATIFAH RAHIM, a Certified Shorthand
6 Reporter of the State of Illinois, do hereby
7 certify that I reported in shorthand the
8 proceedings had at the motion aforesaid, and that
9 the foregoing is a true, complete and correct
10 transcript of the proceedings of said motion as
11 appears from my stenographic notes so taken and
12 transcribed under my personal direction.

13 IN WITNESS WHEREOF, I do hereunto set my
14 hand at Chicago, Illinois, this 31st day of
15 December 2009.

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19 LATIFAH RAHIM
Certified Shorthand Reporter
CSR Certificate No. 84-003908

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