

In the Appellate Court of Illinois, First District

Docket Number: 1-18-0572

| | |
|--|---|
| GMAC Mortgage, LLC, |) Appeal from the Circuit Court of Cook County, IL |
| Plaintiffs, |) County Department, Law Division |
| vs. |) |
| |) Circuit Court Case No.: 07CR29738 |
| Gordon Wayne Watts, et. al., |) (Transfer into Law Division from Chancery) |
| Defendants. |) |
| <hr/> | |
| Gordon Wayne Watts, |) Trial Judge: Hon. James P. Flannery, Jr. (#1505) |
| Appellant/Counter-Plaintiff, |) Notice of Appeal date: Friday, 16 March 2018 |
| vs. |) Judgment Date: Thursday, 01 March 2018 |
| |) Date of Post-judgment Motion: None |
| |) Order: #6 |
| Joseph Younes, Hon. Diane M. Shelley, |) |
| Hon. James P. Flannery, et al., |) Supreme Court Rule(s) which confer(s) jurisdiction |
| Counter-Defendants. |) upon the reviewing court: Ill.Sup.Ct. R.301, 303 |

Motion – En Banc – for Leave to file a Motion for Reconsideration “Out of Time”

This matter comes before the Court, *sua sponte*, on the **Movant's Own Motion** for leave to file, out of time, an untimely Motion for Reconsideration of the 08/28/2018 Order of this Court, dismissing the above-captioned cause for alleged want of prosecution (Hon. Daniel J. Pierce, Hon. Mary L. Mikva, Hon. John C. Griffin, JUSTICES, for The Court).

For reasons described in the 3 motions (1-18-0091, 1-18-0538, 1-18-0572) filed on Wednesday, 10/17/2018 (two days ago), an *En Banc* review is appropriate, of this volatile, and high-profile case involving the admitted title-theft Mortgage Fraud of the house which was featured in no less than seven (7) *DNAinfo* stories, and numerous other news media (*The Register* and *ChicagoCityScape*), as summarised in comments in both prior filings, and the eService cover-letter [EXHIBIT-A] served to the parties.

Summary of the Case/Facts: Movant, in this case (1-18-0572) appealed a denial of the lower tribunal's order (Hon. James Flannery, for the trial court) which denied preparation of the record via Fee Waiver, alleging Movant wasn't a party, & thus didn't qualify for Fee Waiver. Movant appealed this ruling, asserting absolute Rights to Intervention, under this Court's own case-law [*City of Chicago v. John Hancock Mutual Life Ins. Co.*, 127 Ill.App.3d 140, 144 (1st Dist. 1984)] which would make him a party (as the lower court's docket, itself, listed him as a Defendant). In spite of the fact that trial court held appellant wasn't qualified for Fee Wavier, nonetheless, This Court, in its 04/04/2018 Order granted Fee Waiver, using the same legal standard as trial court. Lower court never prepared the record, and on 04/20/2018, Appellant, Watts, moved for Summary Judgment of Circuit Court's ruling denying Intervention, Fee Waiver,

and Preparation of the Record on Appeal. On 05/03/2018, this Court (Hon. Daniel J. Pierce, JUSTICE, for The Court) held that: "This court has no jurisdiction to order the Cir. Ct. to allow Watts leave to intervene, grant a fee waiver, or to prepare the record on appeal & transmit to App. Ct. in this matter (1-18-0572). Motion denied."

Then, on 08/28/2018, this Court, on its own motion, dismissed for want of prosecution, holding that: "This cause having come before the Court on the Court's own motion, the Court finding that the appellant has failed to file the Record on Appeal with the time prescribed by Supreme Court Rule 326." (Hon. Daniel J. Pierce, Hon. Mary L. Mikva, Hon. John C. Griffin, JUSTICES, for The Court) On 10/17/2018, Movant made an untimely motion for reconsideration (see Rule 367, which gives 21 days for **rehearing**) which apparently also includes **reconsideration** motions, according to Hon. Tina M. Schillaci, Esq., chief staff attorney, who spoke with Movant by phone, when he called to inquire why his filing (**EXHIBIT-B**) hadn't been accepted & docketed in 1-18-0572, like the other 2 motions (1-18-0091, 1-18-0538) filed the same day.

Summary of Argument: Appellant moves for for leave to file an untimely Motion for Reconsideration out-of-time of the R.367 twenty-one (21) day time-window.

Argument: As documented in prior filings, Appellant, Watts, not only lost his father and several sources of income, simultaneously, but also nearly lost his own life, when he nearly bled to death, internally, from a bad reaction to OTC medications. Then, as documented in the Motion to Extend Time filed on Wed.10-17-2018, Appellant informed the Court of not only an act of vandalism that cost thousands of dollars in alarm systems, motion lights, DVR & Camera security, etc., but also Movant, Watts, documented the fact that he and his elderly mother are being evicted in the wake of his father's death. Movant was under great pressures and couldn't even keep track of his personal affairs, much less legal matters in a case that has been stressing out a lot of people who were victims in this case. Moreover, R.367 did not explicitly mention Reconsideration as included in the 21-day time window (suggesting This Court issue a ruling holding that R.367 is vague and should be updated to include ALL motions proscribed by the 21-day time-window).

Conclusion: Movant respectfully asks This Court for leave to file the untimely motion for reconsideration. But, moreover, as elucidated in arguments of said motion, This Court's denial of jurisdiction to limit or expand (e.g., order) Record on Appeal, is in direct violation of R.321, and its claims of lack of jurisdiction rule on Intervention matters violates its own holdings in John Hancock. Moreover, in its sister case, This Court's denial of Mandamus authority violated by the IL Const. (Art.VI, Sec.6, Sent.3), as well as copious case-law (*Gassman v. THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY* (1-15-1738) and *Midwest Medical v. Dorothy Brown* (1-16-3230), both of which are examples of This Court having the authority to issue Mandamus Writs, as Art.6, Sec. 6 of the ILLINOIS CONSTITUTION (sentence 3) clearly says). **Movant experienced extenuating circumstance, which slightly delayed a proper motion for reconsideration, and respectfully requests leave to file out of time. Also, these are matters of great importance, which should allow all 3 motions to be reviewed *In Pari Materia* with one another.**

Respectfully submitted,

/s/ Gordon Wayne Watts
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 affidavits, just to remove any and all doubt hereto.

Date: Friday, 19 October 2018

*/s/*Gordon Wayne Watts
Gordon Wayne Watts

INDEX TO THE EXHIBITS

Instrument

Docket/Tab#

** eService (email) of the three (3) 10/17/2018 filings

Exhibit-A

** eFiling(Odyssey aka TylerHosting)
of the three (3) 10/17/2018 filings

Exhibit-B

** Online posting of said filings (and website tracker
verification that many Chicago, IL parties have been able
to successfully visit and download said filings from both
mirrors (GordonWatts.com hosted by GoDaddy and
gordonWAYNEwatts.com hosted by HostGator)

Exhibit-C

NO. 1-18-0572

IN THE APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

| | |
|---------------------------|---|
| GMAC Mortgage, LLC, |) Appeal from the Circuit Court of Cook County, IL |
| Plaintiff |) |
| vs. |) No. 07 CH 29737 |
| |) (Transfer into <u>Law</u> Division from Chancery) |
| Gordon W. Watts, et. al., |) |
| Defendants |) Hon. James P. Flannery, Judge Presiding |

ORDER

This matter coming on to be heard on the motion of Movant, Gordon Wayne Watts, for an extension of time, and, notice having been given, and the Court being fully advised in the premises:

IT IS HEREBY ORDERED that appellant's motion for leave to file an untimely Motion for Reconsideration of this Court's 08/28/2018 Order is (allowed / denied).

IT IS SO ORDERED.

Justice

Justice

Justice

Prepared by:
Gordon Wayne Watts
821 Alicia Road
Lakeland, FL 33801-2113
(863) 688-9880 (h), (863) 409-2109 (c), (863) 687-6141 ©

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| GMAC Mortgage, LLC, |) Appeal from the Circuit Court of Cook County, IL |
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| Hon. James P. Flannery, et al., |) Supreme Court Rule(s) which confer(s) jurisdiction |
| Counter-Defendants. |) upon the reviewing court: Ill.Sup.Ct. R.301, 303 |

NOTICE OF FILING

To: See attached Service List

PLEASE TAKE NOTICE that today, Friday, 19 October 2018, I am causing to be filed with the ILLINOIS 1st Appellate Court my '**Motion – *En Banc* – for Leave to file a Motion for Reconsideration “Out of Time”**,' Verification by Certification, Exhibits –with an Index to exhibits, Proposed Order, this NOTICE OF FILING, an updated/corrected 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: Cook County, IL Circuit Court**, 312-603-5406, Richard J. Daley Center, 50 West Washington St., Room 801, Chicago, IL 60602 – Attention: Deputy Chief, Patricia O'Brien, PAOBrien@CookCountyCourt.com Hours: 8:30a-4:30p, Mon-Fri, Excl. Holidays Cc: CivilAppeals@CookCountyCourt.com

* **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, as a courtesy, since he is not a party proper**]

* **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, as Judge Flannery is a defendant in the Mandamus proceedings**]

* **Law Division and Hon. Diane M. Shelley, Circuit Judge, Daley Center, 50 W. Washington St., Rm. 1912, Chicago, Illinois 60602** Law@CookCountyCourt.com ; ccc.LawCalendarW@CookcountyIL.gov ; Diane.Shelley@CookCountyIL.gov [**served, as Judge Shelley is a defendant in the Mandamus proceedings**]

* **Richard B. Daniggelis** [true owner of 1720] 312-774-4742, c/o John Daniggelis, 2150 North Lincoln Park West, Apartment #603, Chicago, IL 60614-4652 [**Not served, as Mr. Daniggelis has asked that service copies not be sent to him, which is permissible, since he has an attorney of record.**]

* **Richard B. Daniggelis** (who receives mail, via USPS mail-forwarding at his old address) 1720 North Sedgwick St., Chicago, IL 60614-5722 [**Not served, as Mr. Daniggelis has asked that service copies not be sent to him, which is permissible, since he has an attorney of record.**]

* **Andjelko Galic** (Atty. for Richard B. Daniggelis) (Atty#:33013) C:312-217-5433, Fx:312-986-1810, Ph:312-986-1510, AGForeclosureDefense@Gmail.com ; AndjelkoGalic@Hotmail.com 845 Sherwood Road, LaGrange Park, IL 60526-1547

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

SERVICE LIST (continued)

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

* **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

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

* **Erika R. Rhone** 22711 Southbrook Dr., Sauk Village, IL 60411-4291, last known emails (see **Exhibit-G**) are as follows: ERRegi@mail2.tread.net, Erika.Rhone@SbcGlobal.net,
Erhone@Mindspring.com, Erika@GrandKahn.com, ErikaRhone@sbcglobal.net,
ER5526199@aol.com and per: https://www.FastPeopleSearch.com/ms-erika-r-rhone_id_G-5317261083665188477

* **Rosa M. Tumialán** (RTumialan@Dykema.com) (312) 876-1700, DYKEMA GOSSETT PLLC, 10 South Wacker Drive, Suite 2300 Chicago, IL 60606-7407 [Attorney for Appellee, GMAC MORTGAGE LLC k/n/a BANK OF AMERICA, N.A. aka LaSALLE BANK NATIONAL ASSOCIATION aka U.S. BANK N.A., as trustee for Morgan Stanley Loan Trust 2006-16AX]

* **Dawn Williams** (DWilliams@Dykema.com) (DPeacock@KentLaw.iit.edu) Note: Served to work address, as she has NOT been excused by Court as an attorney of record—but not served to personal email, as a courtesy, as she claims, via auto-responder email, to no longer work at DYKEMA. Phone: 616-776-7518, DYKEMA GOSSETT PLLC, 300 Ottawa Ave., N.W., Suite 700, Grand Rapids, MI 49503-2306 [Attorney for Appellee, GMAC MORTGAGE LLC k/n/a BANK OF AMERICA, N.A. aka LaSALLE BANK NATIONAL ASSOCIATION aka U.S. BANK N.A., as trustee for Morgan Stanley Loan Trust 2006-16AX]

* **Atty. Justine A. Lewis, Esq.** (JLewis@Dykema.com), Senior Manager, Recruiting and Professional Development ** Note: Now included on service list per official email from Dykema – see **Exhibit-H**. Phone: 312-876-1700, FAX: 866-771-2154 or 312-876-1155, DYKEMA GOSSETT PLLC, 10 South Wacker Drive, Suite 2300, Chicago, IL 60606-7407 [Attorney for Appellee, GMAC MORTGAGE LLC k/n/a BANK OF AMERICA, N.A. aka LaSALLE BANK NATIONAL ASSOCIATION aka U.S. BANK N.A., as trustee for Morgan Stanley Loan Trust 2006-16AX] Chicago office address per: <https://www.Dykema.com/www.dykema.com/careers-associates-opportunities.html>

SERVICE LIST (continued)

* **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 **[[Mr. More has made a formal request by email to receive service solely by email, and waives hard-copy service.]]**

* **Associated Bank, N.A.**, 200 North Adams Street, Green Bay, WI 54301-5142
Web: <https://www.AssociatedBank.com/about-us> PH: (920)433-3200, (800)236-8866, or (800)682-4989, Email address: WeCare@associatedbank.com per: view-source:<https://www.AssociatedBank.com/contact> and: ShareHolders@AssociatedBank.com per: <http://Investors.EquityApartments.com/drip.aspx?iid=100135> and ColleagueCare@AssociatedBank.com per: <https://AllHispanicJobs.com/s/find-associated-bank-jobs-in-usa>

* **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. – PH: (703) 761-1270, FAX: (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)**
Removed from service list, and not served, as the court excused them as parties—see **Exhibit-I**.

* **Stewart Title, Attn: Leigh Curry**
Removed from service list, and not served, as the court excused them as parties—see **Exhibit-I**.

* **Richard Indyke, Esq.** Atty. No. 20584, (RIndyke@SBCGlobal.net ; 312-332-2828 ; 773-593-1915 most recent “Attorney of record” for LaSalle Bank Natl. Assn.), 111 South Washington Ave., Suite 105, Park Ridge, IL 60068-4292 **[[Mr. Indyke claims to not represent any party in the instant appeal, but the undersigned can not find any more recent atty of record for defendant, LaSalle Bank, and reluctantly will keep Mr. Indyke on the service list, unless excused by The Court.]]**

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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 **Motion – En Banc – for Leave to file a Motion for Reconsideration “Out of Time”, Verification by Certification, Index to exhibits, Proposed Order, NOTICE OF FILING, an updated/corrected SERVICE LIST, and this Certificate of Service, and attached EXHIBITS**, copies of which are attached hereto are being herewith served upon you—and upon the parties listed in the attached Service List, above – **today, this Friday, 19 October 2018**, via **the Odyssey eFileIL (TylerHost.net) Electronic Filing system** if they're e-file registered. **I did serve all three 10/17/2018 pleadings via eFile. [see EXHIBIT-B]**

* I am NOT serving any parties via **First Class U.S. Postal Mail** –*as I customarily do (due to financial constraints), as Rule 11 does not require hard-copy service if email is used.*

* 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—see e.g., the “Open Source Docket” link in said news item.**[see EXHIBIT-C]**

* Lastly, I'm concurrently effecting service via **e-mail**. **[see EXHIBIT-A]**

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

Respectfully submitted,
/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

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Exhibit-C