

**APPEAL TO THE ILLINOIS DISTRICT (APPELLATE) COURT, FIRST DISTRICT  
FROM THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT – CHANCERY DIVISION  
MORTGAGE FORECLOSURE / MECHANICS LIEN SECTION**

|   |   |                            |
|---|---|----------------------------|
| GMAC Mortgage, LLC aka “US Bank, N.A.,”etc.,                  | ) | Appellate Case #: _____    |
|   | ) | Case No. 2007-CH-29738     |
| Plaintiff   | ) |                            |
|   | ) | 1720 N. Sedgwick Ave.      |
| vs.   | ) | Chicago, IL                |
|   | ) |                            |
| Atty. Joseph Younes, Esq., Mr. Richard B. Daniggelis, et al., | ) | Before:                    |
|   | ) | Hon. Michael F. Otto #2065 |
| Defendants  | ) | Associate Judge, Chancery  |

**NOTICE OF APPEAL**

Notice is hereby given, pursuant to Supreme Court Rule 301, that Gordon Wayne Watts appeals from the Circuit Court of Cook County’s Order of December 07, 2015, which Order denied movant's Rule 329 motion to supplement the record on appeal with items which were missing solely due to the negligence of the trial court's continued documented~~[[\*\*]]~~ failures to grant a public records request – which denial delayed movant's ability to timely file a brief before the notice of appeal was executed in the above-styled case. ~~[[\*\*]]~~ *For documentation of said allegations, please see movant's online docket in the front-page news of his namesake blog— which links are listed in the signature line of this notice—e.g., [www.GordonWatts.com](http://www.GordonWatts.com) and [www.GordonWayneWatts.com](http://www.GordonWayneWatts.com). **Date of the judgment/order being appealed: December 07, 2015.** A true and correct copy of that order is attached hereto. **Watts seeks** reversal of the Circuit Court’s Order, **and a Rule 329 Supplement** of the record on appeal **with the selfsame items enumerated in the Rule 321 Motion *infra*—and remand** to the Circuit Court for further proceedings consistent with this order.*

**NOTICE OF FILING**

Pursuant to Rule 303(c)Service of Notice of Appeal: “The party filing the notice of appeal or an amendment as of right, shall, within 7 days, **file a notice of filing with the reviewing court** and serve a copy of the notice of appeal upon every other party and upon any other person or officer entitled by law to notice. Proof of service, as provided by Rule 12, shall be filed with the notice.”

Dear Reviewing (appellate) court: you are so notified.

**REQUEST FOR PREPARATION OF RECORD ON APPEAL**

NOTICE IS HEREBY GIVEN to the Clerk of the Circuit Court of Cook County that Gordon Wayne Watts requests the preparation of the Record on Appeal in the above case, in accordance with Illinois Supreme Court Rule 321: **Rule 321. Contents of the Record on Appeal** “The record on appeal shall consist of the judgment appealed from, the notice of appeal, and the entire original common law record, unless the parties stipulate for, *or the trial court, after notice and hearing, or the reviewing court, orders less.*”

**Rule 321 MOTION (SUGGESTION) TO BOTH COURTS to “Order Less”**

To make things simpler, This Court (Chancery) and/or the reviewing court (First District Appellant Court) need only include Mr. Watts' filings and the two orders directed to him-as shown below:

08/10/2015 (Sworn/Notarised AFFIDAVIT, notice of motion, motion for Amicus, proposed Amicus brief, & exhibits)

10/29/2015 INCOMING CORRESPONDENCE FILED (E.g., Letter to the judge asking him to rule on a timely-filed Rule 329 Motion to Supplement filed way back on 08/10/2015)

10/29/2015 “Time-Sensitive Judicial Notice of Adjudicative Facts – in *semi*-Emergency Fashion by OVERNIGHT FedEx” (This item was originally filed on 09/10/2015, and then lost by the trial court, but refiled and docketed on this date, 10/29/2015.)

10/29/2015 Order denying Rule 329 Motion to Supplement

11/30/2015 Motion for Rehearing (Reconsideration) (The trial court lists this as 12/2/2015, but it was actually deposited in the mail on 11/30/2015, and thus timely, as postal stamps on the movant's online docket document.)

12/07/2015 Order denying Motion for Rehearing (Reconsideration)

01/06/2016 This Notice of Appeal with various other motions appended concurrently

These should be sufficient record, but The Court & any interested parties are welcome to peruse the open-source (free) online docket provided by appellant, Watts, as listed in “front-page news” of his namesake blog: [www.GordonWatts.com](http://www.GordonWatts.com) and [www.GordonWayneWatts.com](http://www.GordonWayneWatts.com).

**Rule 298. Application for Waiver of Court Fees**

Applicant, Gordon Wayne Watts, qualifies for waiver of fees pursuant to 735 ILCS 5/5-105 because he is on SNAP (food stamps). See 735 ILCS 5/5-105(a)(2)(i): ““Indigent person” means any person who meets one or more of the following criteria: He or she is receiving assistance under one or more of the following public benefits programs: Supplemental Security Income (SSI), Aid to the Aged, Blind and Disabled (AABD), Temporary Assistance for Needy Families (TANF), Food Stamps, General Assistance, Transitional Assistance, or State Children and Family Assistance.” (See Exhibit-B).

**CERTIFICATE AND AFFIDAVIT OF DELIVERY (aka: Certificate of Service)**

The undersigned, hereby certifies under penalties of perjury as provided by law pursuant to 735 ILCS 5/1-109, that the above **Notice of Appeal** and all attached pleadings were delivered to the following parties as indicated – this Wednesday, the 6<sup>th</sup> day of January 2016:

1st District Appellate, 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

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

Hon. Michael F. Otto, Associate, Judge, Chancery, (312) 603-3893 Chancery Div.  
Daley Center, 50 W. Washington St., Room 2804, Chicago, Illinois 60602

Andjelko Galic, Esq. (atty for Defendant, Daniggelis) (Atty No.: 33013)  
(Cell: 312-217-5433, FAX: 312-986-1810, PH: 312-986-1510)

Email: [AndjelkoGalic@Hotmail.com](mailto:AndjelkoGalic@Hotmail.com) ; [AGForeclosureDefense@Gmail.com](mailto:AGForeclosureDefense@Gmail.com) ;

134 N. LaSalle St., STE 1040, CHICAGO IL, 60602

*(Note: The Nov. 16, 2015 proposed order by Mr. Galic in the Law Division case by the same case number suggests that STE 1810 is a old address and that he is now in STE 1040.)*

Richard Indyke, Esq. (312-332-2828 Atty for LaSalle Bank Natl. Assn.),  
221 N. LaSalle St. STE 1200, Chicago, IL 60601-1305

Mr. Robert J. More ([Anselm45@Gmail.com](mailto:Anselm45@Gmail.com)) I represent to the court that Mr. More has consented to email service and prefers this method exclusively.

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](mailto:PKing@khl-law.com) One North LaSalle Street, Suite 3040,  
Chicago, IL 60602

*(Note: Mr. King has informed me that the Wacker Drive address is outdated and that this address is the current service address, and his law office website, listed above, confirms this is correct.)* I represent to the court that Mr. King has graciously consented to email service, but, just to be safe, I shall attempt to effect service in all standard methods.

Paul L. Shelton, Esq.

E-mail: [PMSA136@aol.com](mailto:PMSA136@aol.com); [PLShelton@SBCGlobal.net](mailto:PLShelton@SBCGlobal.net) As the court has seen fit to deem Shelton a non-party and not in need of service (see comments in the orders in question, and the service list of same), I'm not serving Mr. Shelton a hard copy, just electronic copies.

Joseph Younes Law Offices / <http://ChicagoAccidentAttorney.net>

166 W WASHINGTON ST, Ste. 600, Chicago, IL 60602;

Phone: (312) 372-1122 ; Fax: (312) 372-1408

Email is: [RoJoe69@yahoo.com](mailto:RoJoe69@yahoo.com) per <http://www.ZoomInfo.com/p/JosephYounes/599467626>

MERS (Mortgage Electronic Registration Systems, Inc.)

<https://www.mersinc.org/about-us/about-us>

a nominee for HLB Mortgage, Janis Smith – (703) 738-0230 – Email: [JanisS@mersinc.org](mailto:JanisS@mersinc.org)

Vice President, Corporate Communications, Sandra Troutman – (703) 761-1274 – Email:

[SandraT@mersinc.org](mailto:SandraT@mersinc.org) – Director, Corporate Communications

Note: MERS is only being served electronically per above.

I, Gordon Wayne Watts, the undersigned, hereby certify under penalties of perjury as provided by law pursuant to 735 ILCS 5/1-109, that the above NOTICE OF APPEAL and all attached pleadings (in pp.1-4 *supra* & appendix *infra*) were served upon all parties listed above, this 6th day of January, 2016 by the following methods:

- United State Postal Service: I am serving the parties proper via my city's local post office on the date listed – and with proper postage. I hope to obtain certification of delivery with return receipt and signature confirmation on as many packages as I can afford. (NOTE: Only those parties whose street addresses are listed above are being served hard copies by US Postal Mail.)

- E-mail: I am contemporaneously serving all the parties listed above via email, in such cases as I have their e-mail address.

- Internet: I shall, when practically possible, post a TRUE COPY of this filing – and related filings – online at my official websites, *infra*.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Gordon Wayne Watts, *Amicus Curiae*\*

821 Alicia Road

Lakeland, FL 33801-2113

PH: (863) 688-9880

Web: [www.GordonWatts.com](http://www.GordonWatts.com) / [www.GordonWayneWatts.com](http://www.GordonWayneWatts.com)

Email: [Gww1210@aol.com](mailto:Gww1210@aol.com) / [Gww1210@gmail.com](mailto:Gww1210@gmail.com)

Date: Wednesday, 06 January 2016

\* Watts, acting counsel of record, is not a lawyer. Per Local Rule 2.1, "Notice of Hearing of Motions," Watts, appearing *pro se*, is giving notice of his motion

**INDEX TO THE EXHIBITS**

Instrument

Docket/Tab#

12/07/2015 Order of Hon. Michael F. Otto in this case

Exhibit-A

Proof the Gordon Wayne Watts is on food stamps  
and thus qualifies for a Rule 298 Waiver of Fees

Exhibit-B

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.<sup>1</sup> 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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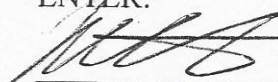
<sup>1</sup> Mr. Watts also cites to various Supreme Court Rules bearing on the timeliness of his motion to reconsider, and acknowledges the Illinois Supreme Court’s order in *Kinkel v. Cingular Wireless*, which lays out the standards for *amicus* briefs. The former are irrelevant because the court considers 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.<br>134 N. LaSalle Street, Suite 1810<br>Chicago, IL 60602 | Mr. Peter King, Esq.<br>King Holloway LLC<br>101 North Wacker Drive, Suite 2010<br>Chicago, IL 60606 |
| Mr. Richard Indyke, Esq.<br>221 N. LaSalle Street, Suite 1200<br>Chicago, IL 60601 | Mr. Gordon Wayne Watts<br>821 Alicia Road<br>Lakeland, FL 33801-2113                                 |



Proof the Gordon Wayne Watts is on food stamps  
and thus qualifies for a Rule 298 Waiver of Fees

Exhibit-B

