COURT FILED

Amended INDEX TO THE EXHIBITS OF APR 15 PM 1: 34

(Watts, et. al., vs. Cir. Ct. of Cook Cty., ILLINOIS, et. al. Case No: 8:19-cv-829-T-36CPT)

Instrument

Docket/Tab#

Exhibit-O

Exhibit-P

Exhibit-Q

* Fla. Supreme Court citation, showing Plaintiff Watts' involveme	ent in <u>Exhibit-A</u>
the infamous Terri Schiavo case: He almost won the case, all by h	imself
—doing better than all other parties, including former Fla. Gov. Jo	ohn Ellis 'Jeb' Bush
<u>*</u> U.S. Cir. Court of Appeals citation, showing Plaintiff Watts'	Exhibit-B
involvement in the recent 'Gay Marriage' case: He was the	
only non-lawyer whom The Court let file and Amicus brief	
* Recent columns and a letter by Plaintiff Watts, which only got	Exhibit-C
published by The Ledger because Watts verified factual allegation	s in question.

<u>* Signed agreement</u> between class plaintiff Daniggelis and disbarred lawyer, Paul L. Shelton, placing time-restrictions on contract

- * Signed statement from Erika Rhone placing use restrictions on her POA Exhibit-E
- *3/8/2013 order by Judge Michael F. Otto, admitting that the July 9, 2006 Exhibit-F warranty deed "is in most respects identical" to the May 9, 2006 warranty deed that Daniggelis signed (except, of course, for the word 'July' being hand-written in), which supports Daniggelis claims that there was photocopy forgery of his signature, which forgery all by itself would void the entire illegal transfer of title. [Ex.-F, p.4, top of page]

<u>* Oct 15, 2018</u> Email from then-Deputy Chief, Patricia O'Brien admitting that: "as you are well aware, this case is eleven years old and was several boxes in size many years ago."	Exhibit-G
* 11/16/2015 ORDER by Hon. Sanjay T. Tailor striking 2 motions	Exhibit-H
* 02/27/2019 "Rule 321 motion to limit Contents of the Record on Appeal," filed by plaintiff Watts before Judge Diane M. Shelley	Exhibit-I
* Timely 01/08/2018 Notice of Appeal of Judge Shelley's order	Exhibit-J
* 8-3-2015 Sworn affidavit & Amicus brief, filed to Judge Michael F. Otto * 7-7-2017 Motion to Intervene & affidavit, filed before Judge Shelley * Collection of adverse orders (3-1-18 order by Judge Flannery, and recent orders by ILLINOIS 1st Appellate Court)	Exhibit-K Exhibit-L Exhibit-M
<u>*</u> 7-30-2008 brief of Benji Philips (pp. 1 & 5) documenting \$100,000. <u>oo</u>	Exhibit-N

Current Screenshot of GMAC v. Daniggelis, Watts, et. al., (Law Div.)

* 12-7-2015 Order by Judge Otto denying rehearing (reconsideration)

* 10-29-2015 Order by Judge Otto acknowledging (but denying) Amicus

(Pt of two boses)

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

GMAC MORTGAGE, LLC,

Plaintiff, Counter-Defendant,

v.

07 CH 29738

RICHARD DANIGGELIS,

Defendant, Counter-Plaintiff, Cross-Plaintiff,

JOSEPH YOUNES; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC., AS NOMINEE FOR HLB MORTGAGE; UNKOWN HEIRS AND LEGATEES OF JOESPH YOUNES, IF ANY; UNKNOWN OWNERS AND NON RECORD CLAIMANTS,

Defendants, Cross-Defendants,

PAUL SHELTON; ERIKA RHONE; STEWART TITLE OF ILLINOIS,

Respondents in Discovery.

2000 JUL 30 PH 2: 40

RICHARD DANIGGELIS' ANSWER, AFFIRMATIVE DEFENSES, COUNTERCLAIMS AND CROSS CLAIMS

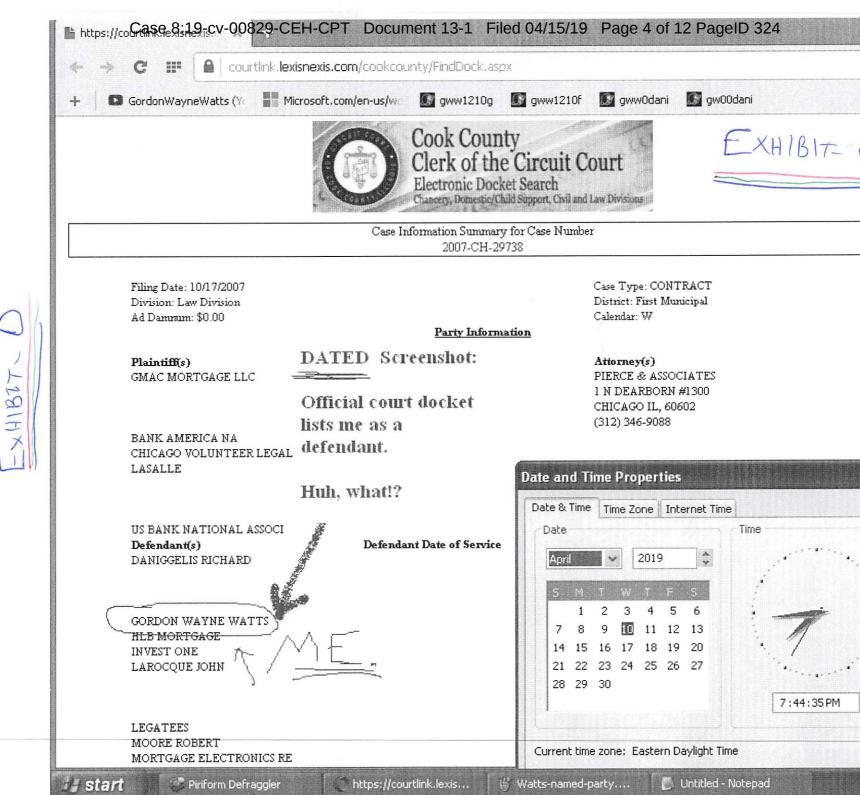
NOW COMES, RICHARD DANIGGELIS ("Daniggelis"), defendant, counterplaintiff, and cross-plaintiff, by and through his attorney, Benji Philips of Chicago Volunteer Legal Services, for his answer, affirmative defenses, counterclaim, and cross claims in response to Plaintiff's Complaint to Foreclose Mortgage (the "Complaint"), states as follows:

ADMISSIONS AND DENIALS

1. Daniggelis neither admits nor denies paragraphs 1 and 2 of the Complaint, as they are not facts that need to be admitted or denied.

(2nd of two Pozzel)

- 34. At Daniggelis' request, Rhone signed an addendum to the power of attorney acknowledging that she would not use it for any reason other than payment of the arrearages. (See Exhibit D).
- 35. Nonetheless, a closing proceeded on July 28, 2006 without Daniggelis' knowledge. On information and belief, the limited power of attorney, intended to be used to pay the arrearages, was used to effectuate the sale of the property to Younes.
- 36. On information and belief, Younes, Shelton, or Rhone signed the closing documents on Daniggelis' behalf without his consent or knowledge.
- 37. On information and belief, the Stewart Title of Illinois' closing representative relied on the limited power of attorney Daniggelis executed to Rhone.
- 38. In the alternative, the closing representative did not require a power of attorney to close the transaction.
- 39. No power of attorney from Daniggelis has been recorded with the Cook County Recorder of Deeds.
- 40. The settlement statement ("HUD-1") lists the borrower as Younes and the seller as Daniggelis. (See Exhibit B, Line D & E).
- 41. The HUD-1 lists the purchase price of the Home as \$833,000, and indicates that Younes paid the contract price with funds from at least three sources, including: (1) a new loan in the amount of \$583,100; (2) "funds from 482811" in the amount of \$165,337.17; and (3) cash in the amount of \$105,000. (See Exhibit B, Lines 202, 208, and 303).
- 42. In addition, the HUD-1 indicates four payoffs, including Daniggelis' first and second mortgages totaling \$714,009.29. Two additional payoffs totaling \$100,000 were made to unspecified recipients. (See Exhibit B, Lines 504-507).
- 43. Finally, the HUD-1 indicates a \$5000 cash payment to Daniggelis. (See Exhibit B, Line 603).
- 44. Following the closing, on or about August 16, 2006, two Mortgages were recorded with the Cook County Recorder of Deeds from Younes to Mortgage Electronic Registration Systems, Inc. The first was recorded as document number 0622826138 for \$583,100, and the second as document number 0622826139 for \$166,600.



Case 8:19-cv-00829-CEH-CPT Document 13-1 Filed 04/15/19 Page 5 of 12 PageID 325

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, CHANCERY DIVISION MORTGAGE FORECLOSURE/MECHANICS LIEN SECTION Constanted Time Store Missing below

U. S. BANK, N.A., etc.,

Plaintiff,

Vs

1720 N Sedgwick Ave.
Chicago, IL

Defendants.

ORDER

The Court is in receipt of two copies of an October 2, 2015 letter from Mr. Gordon Wayne Watts to the undersigned, purporting to relate to the above captioned case. Mr. Watts's letter includes several enclosures: an Affidavit; two Notices of Motion; a Motion for leave to file Amicus Curiae brief; a Motion for leave to file Supplemental Record; a document captioned "Time-Sensitive Judicial Notice of Adjudicative Facts – in semi –Emergency Fashion by OVERNIGHT FedEx"; and several proposed orders. (All capitalization and emphasis as in original.) All of the above are attached to this Order as Group Exhibit A.

In his letter (a copy of which Mr. Watts certifies he sent to all parties to the case and several non-parties), Mr. Watts contends that he filed all of the enclosures with the Clerk of the Circuit Court but that his "motion was docketed but not ruled on" and thus there was a due process violation of some nature. Mr. Watts states that although he is not an attorney ("a non-lawyer"), and although he "know[s] that This Court has probably lost 'subject matter' jurisdiction on the merits of the case," he wishes to submit the enclosures on behalf of Richard Daniggelis, defendant in the case.

For the reasons stated below, Mr. Watts's submissions are struck and/or denied in their entirety.

¹ The Court has made no annotations or alterations to the documents other than to place the "Received" stamp on the first copy of Mr. Watts's letter. All handwritten notes/annotations/comments on the documents were present when the documents were received.

Background

Mr. Watts's submissions contend, essentially, that the case was decided incorrectly because neither of the two attorneys who represented Mr. Daniggelis during the seven-year litigation raised certain arguments Mr. Watt believes would have carried the day. Motions by a total stranger to the case to supplement the record and to file an *amicus curiae* brief are simply not the correct way to make such arguments in Illinois courts.²

Motion to Supplement. Mr. Watts cites no authority, nor has the court's own research uncovered any, which would permit a stranger to the case to supplement the record. The motion is properly denied for that reason alone. Moreover, Mr. Watts provides no explanation of how the supplement is relevant to any issue in the case. The proposed supplement (attached as Exhibits A-G to the "Time-Sensitive Judicial Notice of Adjudicative Facts – in semi – Emergency Fashion by OVERNIGHT FedEx," not attached to the motion to supplement) consists of two purported proofs of service on this court (Exs. A, B); two "zoom views" of partial excerpts of the court docket in this and another case (Exs. C, D); and three pictures represented to be of the property at issue and a City of Chicago stop work order posted thereon (Exs. E, F, G). Mr. Watts fails to explain what possible relevance any of these materials would have to any issue pending before this court, the appellate court, or any court.

Motion for Leave to File Amicus Curiae Brief. Mr. Watts's status as a non-party non-attorney is not fatal to the motion for leave to file amicus curiae brief, as amicus briefs are by definition submitted by non-parties to the case. Nevertheless the motion is denied. In a 2006 order denying a similar motion, the Illinois Supreme Court delineated the considerations relevant to a motion for leave to file amicus curiae brief. See Kinkel v. Cingular Wireless, L.L.C., 2006 Ill. LEXIS 1 (Jan. 11, 2006). First is the substance of the proposed brief: will that brief assist the court in disposing of the case sub judice by "provid[ing] it with ideas, arguments, or insights helpful to resolution of the case that were not addressed by the litigants themselves." Id. at *2. Second, regardless of whether the brief passes that threshold test, the Court cited with approval the Seventh Circuit's rule that an amicus brief should normally be permitted:

only (1) when a party is not competently represented or not represented at all, or (2) when the would-be amicus has a direct interest in another case, and the case in which he seeks permission to file an amicus curiae brief may, by operation of stare decisis or res judicata, materially affect that interest; or (3) when the amicus has a unique perspective, or information, that can assist the court beyond the help that the lawyers for parties are able to provide.

Id. at *4. Mr. Watts's motion fails both aspects of Kinkel.

² The court acknowledges, but is unpersuaded by, Mr. Watts's claims that he achieved some partial success when he took part in the Terry Schiavo matter. (See, e.g., Affidavit of Gordon Wayne Watts ¶¶3-4 and Motion for leave to file Amicus Curiae brief p. 2.)

First, Mr. Watts's brief is not and cannot be of any assistance to this court because the case is not before this court. The matter is, rather, currently before the appellate court, as Mr. Watts recognizes in his letter when he admits that this court has lost jurisdiction of the case.

Even if not for this fatal defect, Mr. Watts's brief fails the Seventh Circuit's three-part test as well. (1) Mr. Daniggelis is not only represented by counsel, he has been doggedly represented before this court by two different attorneys who have filed voluminous motions and pleadings on his behalf and kept this case at issue for several years. Mr. Watts' hindsight contention that other arguments could perhaps have been raised does not in any way establish that Mr. Daniggelis is not competently represented. (2) Mr. Watts does not claim to be a party to any case the outcome of which could be determined by the outcome of this case. (3) Mr. Watts does not claim any unique perspective or information. He is not an attorney; he claims no special expertise in mortgage foreclosure law or procedure nor even Illinois law generally. Mr. Watts claims simply to be a friend of Mr. Daniggelis who thinks Mr. Daniggelis's attorneys should have made other arguments than they did.

CONCLUSION

This Court sees no reason to allow Mr. Watts to inject himself into this case as he seeks to do. Mr. Watts's motions are denied and his affidavit and "Time-Sensitive Judicial Notice of Adjudicative Facts – in *semi* – Emergency Fashion by OVERNIGHT FedEx" are struck. Court staff will send a copy of this Order (with attachments) to Mr. Watts and all parties to this case (U.S. Bank, Joseph Younes, and Richard Daniggelis, all care of counsel) on the date it is entered. Court staff will not transmit a copy of the order to any non-parties other than Mr. Watts.

ENLEK:

Michael F. Otto #2065

Associate Judge

Mr. Watts does represent in the "Time-Sensitive Judicial Notice of Adjudicative Facts – in semi – Emergency Fashion by OVERNIGHT FedEx" that Mr. Daniggelis "promised, if he was able, to give me [Mr. Watts] an unspecified amount of assistance for the advancement of certain shared causes and beliefs." Whatever is meant by that statement, it does not suggest that this case will materially affect any case to which Mr. Watts is a party, which is the relevant test.

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.	Mr. Gordon Wayne Watts
221 N. LaSalle Street, Suite 1200	821 Alicia Road
Chicago, IL 60601	Lakeland, FL 33801-2113

From the Desk of: Gordon Wayne Watts 821 Alicia Road - Lakeland, FL 33801-2113 H: (863) 688-9880 - C: (863) 409-2109 - W: (863) 686-3411 or: (863) 687-6141

Email: Gww1210@aol.com / Gww1210@Gmail.com Web: www.GordonWatts.com / www.GordonWayneWatts.com

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

Cc: Hon. Moshe Jacobius, Presiding Judge, Chancery Div., Daley Center, 50 W. Washington St., Rm. 2403,

Chicago, Illinois 60602 (312) 603-4181

GMAC Mortgage, LLC v. Richard B. Daniggelis, et al. Re:

Friday, 02 October 2015

Case No: 2007-CH-29738 - before the CHANCERY DIVISION

Dear Judge Otto:

As is my right under Due Process of the law, I filed an affidavit & other documents of fact and arguments at law, and (of course) a notice of motion for these -in the above-referenced case, which has been assigned to you; however, seeing that my motion was docketed but not ruled upon, it became very plainly obvious that the clerks saw my filings, but that you did not see them.

In other words, there was some sort of screw-up, and "the system" did not work. (If the junge can't see the filings, this is the most serious 'Due Process' screw-up possible!) - My guess is that you were waiting for me to make a physical appearance to present my motion(s) (as is usually done), but, & &

explain in my notice of motion, this is not possible.

Normally, one does not contact the judge, as this is (usually) a forbidden ex parte communication, but both Iris Reynolds, the Assistant Chief Deputy Clerk in LAW, as well as Lou Piochetta (chief assistant to Hon. Timothy C. Evans, the chief judge) assured me I was permitted to send you wurt falings. Moreover, many courts allow motions directed to one particular judge - for example, Rule 22 of the U.S. Supreme Court governs an application addressed to a single Justice. Lastly, your mailing address is posted on the court's website, which clearly implies that it's OK to mail the judge (that's you) - but, of course, I'm going to serve the other parties, to avoid an ex parte communication - and keep them in the loop, as service courtesy requires. (I say 'usually' above, as there are occasional exceptions to the 'ex parte' rule, but that is off-topic, and for the sake of brevity, I will pass on this subject.)

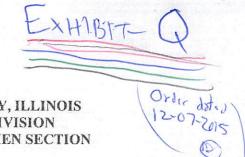
Atty. Anjelko Galic and Atty. Benji Philip, both of whom represented Mr. Daniggelis, worked very hard, but both of them did NOT address several very key arguments (one of which included the fact that 2 different Warranty Deeds had identical signatures - an impossibility for a mere mortal, who can NOT sign his/her name the same exact way twice in a row! This evidences a photocopied signature, e.g.,

forgery fraud).

I know that I'm an "outsider" (a non-lawyer, and not someone who is directly connected with the case), but my father taught me when I was younger that any court, if it is trying to be honest and learn the actual truth, will listen to and consider evidence and input from ALL sources - yes, including myself. To that end, please find enclosed the following documents: My sworn & notarised AFFIDAVIT; Notice of motion; Motion for Amicus; proposed Amicus brief; & exhibits, dated Aug. 03, 2015. As well, please see the Aug. 16 Motion to Supplement the Record on Appeal (NO. 1-14-2751 before the First Appellate Court) with requisite notice of motion -and the Sept. 09 judicial notice of scary, new happenings, and proposed ORDERS. Please note: I know that This Court has probably lost "subject matter" jurisdiction on the merits of the case; however, Your Court still retains jurisdiction on supplementing the record (which I hope you will do, seeing as my filings will eventually be included in any subsequent appeal anyhow -and, considering my delay in filing was excusable, and not my fault, as I show in my motion).

With kind Regards, I am, Sincerely,

Gordon Wayne Watts



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
JOSEPH YO	vs DUNES, RICHARD DANIGGELIS) 1720 N Sedgwick Ave.) Chicago, IL
	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* <u>right</u> 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. 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,

¹Mr. 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 0 7 2015

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.	Mr. Gordon Wayne Watts
221 N. LaSalle Street, Suite 1200	821 Alicia Road
Chicago, IL 60601	Lakeland, FL 33801-2113